

EXHIBIT V

CONFIDENTIAL

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY**HOW TO FILE A COMPLAINT AGAINST A JUDGE****DEC 10 2021**

To file a complaint against a judge, complete this form and send it to the Commission on Judicial Conduct at the address above. The information you provide will be used to evaluate and investigate your allegations.


To learn more about the purpose and jurisdiction of the commission and the types of allegations it can investigate, read the available brochure or visit our website at www.azcourts.gov/azcjc. A copy of the commission's rules and the Code of Judicial Conduct can be printed from the website.

Under the rules approved by the Arizona Supreme Court, complaints may be made public at the conclusion of their review by the commission or upon the filing of a formal complaint against a judge. If a complaint is dismissed, all personal information will be redacted from what is made public.

Please provide the following information

1. Name: Michael Willis Chase
2. Mailing Address: P.O. Box 4461
City: Sedona State: Arizona Zip Code: 86340
3. Phone: +1 (928) 399-7688
4. Judge's name: Lindy Kottke, Bluff, Napper Location: County of Yavapai
5. Court: ☐ municipal ☐ justice ☒ superior ☐ court of appeals ☐ supreme court
6. Did you have a case before this judge? ☒ Yes ☐ No. If yes, is the case still pending?
☒ Yes ☐ No
 - a. Case name and number: V1300CR201780661
 - b. List any attorneys who appeared in the case:
Ruth Szanto, Dennis Bayless, Zachary Thornley, Chad Winger, Dennis Bayless, Kevin Crowley, Andrew Marcantel, Nathan East, Glen Assay, George Rodriguez.
 - c. List names and phone numbers of any witnesses who observed the judge's conduct:
Steven McMillan (520) 921-7146, Keith (928) 254-9928, Carlin Hauser (928) 821-5908, Ivy Ivy (971) 221-6039, Phil (928) 301-0777
7. I understand the commission cannot reverse court orders or assign a new judge to a case:
☒ Yes ☐ No
8. Please read the following statement and sign on the line below:

Declared witnessed testimony by asseveration the forgoing information and allegations contained in attached complaint are true



Non-negotiable autograph, all rights reserved.

12-10-2021
Date

*Attached Summary

*Attached Exhibits A-J

CONFIDENTIAL

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

COMPLAINT AGAINST A JUDGE

Name: Michael Willis Chase Judge's Name: William N. Lundy Jr

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

Admiralty Tribunal Judge William N. Lundy Jr:

Excessive Bail set at \$500,000 cash only.

" Bail is ' Excessive' in violation of the Eighth Amendment when it is set at a figure higher than an amount reasonably calculated to ensure the asserted governmental interest."

The accused, Michael Willis Chase stated in the Grand Jury Bond Hearing,

" It is perspective, that you [William N. Lundy Jr] are defending the bank [Fund]."

*[See Attached Exhibit A: Bond Order. Exhibit B: No Transcript On The Record]

CONFIDENTIAL

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

--

COMPLAINT AGAINST A JUDGE

Name: Michael Willis Chase

Judge's Name: Christopher L. Kottke

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

Pro Tem B Admiralty Tribunal Judge Christopher L. Kottke (D-U-N-S number 169230781):

Attempted Murder. " Ordered Forced Drugging" of Haldol (Major Tranquilizer).

No Physical Evidence Presented at Evidentiary (Sell) Hearing (Hearsay and lies of Jail Doctors, Dr. Mark Jerome Collins Purged himself under oath, assistant County Attorney, and nothing presented by Public Defender). Dangers of Haldol, and side effects stated in hearing transcript, EKG shows Abnormal Heart Rate, and put The Accused at life risk. Also, Denied Motion for Order to Modify Release Conditions.

*[See Attached Exhibit C: State Bar Complaint and State Bar File #20-0516, Denied Motion,

Exhibit D: April 14, 2020 Transcript Of Evidentiary (Sell) Hearing, page 13 line 12-14, page 14 line 4-15, page 15 line 2-4, page 17 line 12-13, page 18 line 14-17, page 19 line 1-3, page 22 line 13-18, page 23 line 10-12, page 26 line 17-18, page 27 line 2-6, page 30 line 8-13, page 34 line 3-14, page 35 line 12-13, page 37 line 21-25, page 38 line 17-19, page 39 line 14-20, page 40 line 3-22, page 41 line 4-25, page 42 line 1-2, line 20-23, page 43 line 6-8, line 15, page 44 line 8-9, page 45 line 16-18, page 47 line 22-25, page 48 line 1-5, line 11-16, line 22-25, page 49 line 4-15, line 22-24, page 50 line 8-22, page 51 line 10-15, line 24, page 52 line 1-2, line 8-21,

Exhibit E: EKG - abnormal heart rate]

CONFIDENTIAL

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

--

COMPLAINT AGAINST A JUDGE

Name: Michael Willis Chase Judge's Name: Michael R. Bluff

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

Admiralty Tribunal Judge Michael R. Bluff:

" Conflict Of Interest" His Wife: Mrs. Bluff is an employee of the international bank [Fund] (JP Morgan Chase Bank) where The Accused' s property was seized. Michael Bluff denied motions Reduction Of Bail And Release Conditions, and Michael Bluff admitted (on the record) his wife in an employee at the international bank [Fund] (JP Morgan Chase Bank) " Conflict Of Interest" and recused himself from the case (accused detained ten months incarcerated).

*[See Attached Exhibit F: Submitted Motions, Handwritten Motions, Denied Motions,

Exhibit G: Transcript September 12, 2020 Hearing On Release Conditions — page 7 line 19-22, page 8 line 25, page 9 line 1-9]

CONFIDENTIAL

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

--

COMPLAINT AGAINST A JUDGE

Name: Michael Willis Chase

Judge's Name: John D. Napper

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

Admiralty Tribunal Judge John D. Napper (D-U-N-S number 839377707):

In open court, Denied Counsel of choice, Denied Psychologist Evaluation of Prosecuting Attorney (Equal Protection, Due Process), Denied Administration and Procedural Matters (Obstruction of Justice), Denied Challenge of jurisdiction, Denied qualifications of Prosecuting Attorney. Napper Ordered date of October 25th, 2021 deadline for The Accused, Michael Willis Chase to File All Motions, and ALL Motions have been DENIED on November 29, 2021.

*[See Attached Exhibit H: Hearing May 24th, 2021 Time Set For Sentencing - Transcript — page 5 line 18-25, page 6 line 1-25, page 7 line 1-25, page 8 line 1-25, page 9 line 1-25, page 10 line 1-25, page 11 line 1-25, page 12 1-25, page 13 line 1-25, page 14 line 1-10, line 11-15, line 15-22, line 24, line 25, page 15 line 1-13, line 14, line 15-25, page 16 line 1-25, page 17 line 1-25, page 18 line 1-25, page 19 line 1-25, page 20 line 1-20, line 22-25, page 21 line 1-25, page 22 line 1-17, page 23 line 18-25, page 24 line 1-3, line 18-20.

Exhibit I: Transcript Of Hearing July 26th, 2021 — page 4 line 11-25, page 5 line 1-25, page 6 line 1-25, page 7 line 1-15, page 8 line 17-25, page 9 line 1-8, line 22-25, page 10 line 1-2, line 9-13, page 11 line 24-25, page 12 line 1-2, page 13 line 6-10, line 21-22, page 17 line 1-7, line 22-23, page 18 line 1-2,

Exhibit J: Transcript Of September 20, 2021 Status Conference - page 3 line 23-25, page 4 line 1-16, page 5 line 1-25, page 6 line 1-25, page 7 line 1-25, page 8 line 1-25, page 9 line 1-25, page 10 line 1-25, page 11 line 1-25, page 12 line 1-25, page 13 line 1-21, line 22-25, page 14 line 16-25, page 15 line 1-25, page 16 line 1-25]

Declared Witnessed Testimony

SUMMARY

The Accused, de jure Michael Willis Chase

versus

de facto (CORPORATE) AMERICA

(America has been dissolved as a matter of law)

UNITED STATES GOVERNMENT (D-U-N-S number 067908916)

STATE OF ARIZONA (D-U-N-S number 072459266)

COUNTY OF YAVAPAI (D-U-N-S number 074472796)

CHRISTOPHER L. KOTTKE (D-U-N-S number 169230781)

JOHN D. NAPPER (D-U-N-S number 839377707)

William N. Lundy Jr and Michael R. Bluff

Case No. V1300CR201980661

I Have Appeared Specially, Not Generally. I Have OBJECTED TIMELY. I Have Demanded All My Rights, Given By Our Creator, AT ALL TIMES, and NEVER WAIVED THEM.

The Accused Has Challenged the Venue Jurisdiction, The Jurisdiction of the Court, the Jurisdiction of the Judge, and the Qualification of the Prosecutor.

The Accused alleges that this Court has ASSUMED JURISDICTION; therefore, a SUBSTANTIAL RIGHT has been VIOLATED again. Pursuant to *Arbesider versus Hanlin, Giddean versus Wainright, Bergis versus Texas, and Chandler versus Freetag*.

At this time, the Accused DEMANDS SUSPENSION OF THE SENTENCING HEARING pending a SUIT on the issue of Counsel, Lack of Jurisdiction, Conspiracy, Intent to Overthrow the Government using threat, duress and coercion, as well as FRAUD. The Accused intends to file suit in the Federal District Court.

The Accused has PROTESTED the JURISDICTION OF THE COURT, and I Have DECLARED ON THE RECORD before witnesses that I Am a free and independent inhabitant, a flesh and blood man under the common law, *NOT* allowed by the LAW OF THE CREATOR to contract with the de facto STATE OF ARIZONA (D-U-N-S number 072459266), which has overthrown the de jure republican "The State of Arizona".

The Accused alleges that this Court has no Jurisdiction because it **CANNOT EFFECT A REMEDY.**

The Accused alleges that the **COUNSEL ISSUE** must be decided in the Administrative and Procedural Matters prior to the Sentencing Hearing by **Admiralty Tribunal Judge John D. Napper** (D-U-N-S number 839377707), and is now a closed subject. The Accused has been denied the inalienable perfect right to defend myself with unfettered, with unlicensed counsel, then the Sentencing Hearing should be postponed.

The Accused alleges it is now the Accused's position that **THIS CASE MUST BE MOVED INTO FEDERAL SUIT** before the Accused can be **FORCED** forward into Sentencing without Counsel of my Choice.

The Accused alleges that the Court, before Sentencing Hearing by Admiralty Tribunal Judge John D. Napper (D-U-N-S number 839377707), on its own volition has **DENIED THE ACCUSED "COUNSEL of my choice"**, so therefore, *Arersinger versus Hamlin Sheriff* comes into play, and the Court has precluded the possibility that it can now incarcerate me.

The Accused alleges that Admiralty Tribunal Judge John D. Napper (D-U-N-S number 839377707) has **PROCEEDED OVER THE ACCUSED OBJECTIONS, AGAINST MY WILL, and DENIED MY INALIENABLE PERFECT RIGHTS**, recognized by The Law Of Nations, secured by the Declaration of Independence, by the Article of Confederations, or the de jure Constitution of both the de jure State and de jure Federal Constitutions, we are into the realm of **DEPRIVATION OF RIGHTS**, which comes under **FEDERAL STATUTES TITLE 42, SECTION 1983.**

The Accused Is Ready For SUIT.

The Accused's Administrative And Procedural Matters Are NOT Answered!

The Accused has NOT received the written answers to these questions, before the Sentencing Hearing, I Am ready to move forward with SUIT.

Notice is hereby given that Michael Willis Chase is not the Accused "PERSON" MICHAEL WILLIS CHASE (CORPORATE ENTITY); therefore, Michael Willis Chase will appear *pro se* with Counsel of his Choice, pursuant to the Supreme Court's decisions as they are already settled in the following cases: *Gideon versus Wainright*, 372 US 335; *Burgett versus Texas*, 389 US 109, (1967); *Memphis versus Rhay*, 389 US 128, (1967); *Chandler versus Fretag*, 348 US 3, (1954); 424 F2d 1166; *US versus Mitchell*, 246 F. Supp., 874, 877, (1965); *Reynolds versus Cochran*, 365 US 525, 51 Ed. 2d 754, 81 S.Ct. 723 in Am. Jur. P. 979; *NAACP versus Button*, 371 US 414, 83 S.Ct. 328; *United Mine Workers of America versus Illinois State Bar Association*, 88 S.Ct. 353, (1967); *Brotherhood of Railroad Trainmen versus Virginia State Bar*, 377 US 1, 84 S.Ct. 1113, REh DEn 377 US 960; 845 Ct. 1625.

Admiralty Tribunal Judges In Chronological Order

Admiralty Tribunal Judge William N. Lundy Jr:

Excessive Bail set at \$500,000 cash only.

"Bail is 'Excessive' in violation of the Eighth Amendment when it is set at a figure higher than an amount reasonably calculated to ensure the asserted governmental interest."

The accused, Michael Willis Chase stated in the Grand Jury Bond Hearing,

"It is perspective, that you [William N. Lundy Jr] are defending the bank [Fund]."

**[Exhibit A: Bond Order. Exhibit B: No Transcript On The Record]*

Pro Tem B Admiralty Tribunal Judge Christopher L. Kottke (D-U-N-S number 169230781):

Attempted Murder. "Ordered Forced Drugging" of Haldol (Major Tranquilizer).

No Physical Evidence Presented at Evidentiary (Sell) Hearing (Hearsay and lies of Jail Doctors, Dr. Mark Jerome Collins Purged himself under oath, assistant County Attorney, and nothing presented by Public Defender). Dangers of Haldol, and side effects stated in hearing transcript. EKG shows Abnormal Heart Rate, and put The Accused at life risk. Also, Denied Motion for Order to Modify Release Conditions.

**[Exhibit C: State Bar Complaint and State Bar File #20-0516, Denied Motion, Exhibit D: April 14, 2020 Transcript Of Evidentiary (Sell) Hearing, page 13 line 12-14, page 14 line 4-15, page 15 line 2-4, page 17 line 12-13, page 18 line 14-17, page 19 line 1-3, page 22 line 13-18, page 23 line 10-12, page 26 line 17-18, page 27 line 2-6, page 30 line 8-13, page 34 line 3-14, page 35 line 12-13, page 37 line 21-25, page 38 line 17-19, page 39 line 14-20, page 40 line 3-22, page 41 line 4-25, page 42 line 1-2, line 20-23, page 43 line 6-8, line 15, page 44 line 8-9, page 45 line 16-18, page 47 line 22-25, page 48 line 1-5, line 11-16, line 22-25, page 49 line 4-15, line 22-24, page 50 line 8-22, page 51 line 10-15, line 24, page 52 line 1-2, line 8-21, Exhibit E: EKG - abnormal heart rate]*

Admiralty Tribunal Judge Michael R. Bluff:

"Conflict Of Interest" His Wife: Mrs. Bluff is an employee of the international bank [Fund] (JP Morgan Chase Bank) where The Accused's property was seized. Michael Bluff denied motions Reduction Of Bail And Release Conditions, and Michael Bluff admitted (on the record) his wife in an employee at the international bank [Fund] (JP Morgan Chase Bank) "Conflict Of Interest" and recused himself from the case (accused detained ten months incarcerated).

**[Exhibit F: Submitted Motions, Handwritten Motions, Denied Motions, Exhibit G: Transcript September 12, 2020 Hearing On Release Conditions – page 7 line 19-22, page 8 line 25, page 9 line 1-9]*

Admiralty Tribunal Judge John D. Napper (D-U-N-S number 839377707):

In open court. Denied Counsel of choice, Denied Psychologist Evaluation of Prosecuting Attorney (Equal Protection, Due Process), Denied Administration and Procedural Matters (Obstruction of Justice), Denied Challenge of jurisdiction, Denied qualifications of Prosecuting Attorney. Napper Ordered date of October 25th, 2021 deadline for The Accused, Michael Willis Chase to File All Motions, and **ALL** Motions have been **DENIED** on November 29, 2021.

**[Exhibit H: Hearing May 24th, 2021 Time Set For Sentencing - Transcript – page 5 line 18-25, page 6 line 1-25, page 7 line 1-25, page 8 line 1-25, page 9 line 1-25, page 10 line 1-25, page 11 line 1-25, page 12 line 1-25, page 13 line 1-25, page 14 line 1-10, line 11-15, line 15-22, line 24, line 25, page 15 line 1-13, line 14, line 15-25, page 16 line 1-25, page 17 line 1-25, page 18 line 1-25, page 19 line 1-25, page 20 line 1-20, line 22-25, page 21 line 1-25, page 22 line 1-17, page 23 line 18-25, page 24 line 1-3, line 18-20. Exhibit I: Transcript Of Hearing July 26th, 2021 – page 4 line 11-25, page 5 line 1-25, page 6 line 1-25, page 7 line 1-15, page 8 line 17-25, page 9 line 1-8, line 22-25, page 10 line 1-2, line 9-13, page 11 line 24-25, page 12 line 1-2, page 13 line 6-10, line 21-22, page 17 line 1-7, line 22-23, page 18 line 1-2, Exhibit J: Transcript Of September 20, 2021 Status Conference - page 3 line 23-25, page 4 line 1-16, page 5 line 1-25, page 6 line 1-25, page 7 line 1-25, page 8 line 1-25, page 9 line 1-25, page 10 line 1-25, page 11 line 1-25, page 12 line 1-25, page 13 line 1-21, line 22-25, page 14 line 16-25, page 15 line 1-25, page 16 line 1-25]*

The Accused, Michael Willis Chase filed following Declared Witness Testimony, and Motions:

10-5-2021 “NOTICE & COMMAND FOR ANSWERS TO PETITIONER’S MAJOR PREMISES. COMMAND FOR JUDICIAL DETERMINATION & DISMISSAL FOR LACK OF VENUE JURISDICTION.”

10-5-2021 “*Exhibit - Alpha*”

10-5-2021 “*Exhibit - Beta*”

10-5-2021 “*Exhibit - Gamma*”

10-5-2021 “*Exhibit - Delta*”

10-5-2021 “*Exhibit - Epsilon*”

10-5-2021 “*Exhibit - Zeta*”

10-5-2021 “*Exhibit - Eta*”

10-5-2021 “*Exhibit - Theta*”

10-5-2021 “*Exhibit - Iota*”

10-5-2021 “*Exhibit - Kappa*”

10-5-2021 “*Exhibit - Lambda*”

10-5-2021 “*Exhibit - Mu*”

10-5-2021 “*Exhibit - Nu*”

10-5-2021 “*Exhibit - Xi*”

10-5-2021 “*Exhibit - Omicron*”

10-5-2021 “*Exhibit - Pi*”

10-5-2021 *"Exhibit - Rho"*
10-5-2021 *"Exhibit - Sigma"*
10-5-2021 *"Exhibit - Tau"*
10-5-2021 *"Exhibit - Upsilon"*
10-5-2021 *"Exhibit - Phi"*
10-5-2021 *"Exhibit - Chi"*
10-5-2021 *"Exhibit - Psi"*
10-5-2021 *"Exhibit - Omega"*

10-8-2021 *"THE ACCUSED'S RESPONSE TO PLAINTIFF GLEN M. ASSAY. NOTICE & COMMAND FOR COURT ORDER REGARDING GLEN M. ASAY MOTION TO STRIKE DEFENDANT'S MOTIONS. PETITIONER'S MAJOR PREMISES MUST BE ANSWERED FOR JUDICIAL DETERMINATION BY GLEN M. ASSAY & DISMISSAL FOR LACK OF VENUE JURISDICTION."*

10-25-2021 *"Demand For Answers To Administrative and Procedural Matters Questions."*

10-25-2021 *"Demand For Answers To Administrative and Procedural Matters Questions. Brief #3 in Support of Demand to Dismiss Court, Judge And Prosecutor Who Have No Force of Law Over The Accused."*

10-25-2021 *"Demand For Answers To Administrative and Procedural Matters Questions. Brief #6 in Support to Dismiss Court, Judges And Prosecutor Who Have No Force of Law Over The Accused."*

10-25-2021 *"NOTICE & COMMAND FOR COUNSEL OF CHOICE. COMMAND FOR JUDICIAL DETERMINATION & DISMISSAL FOR LACK OF VENUE JURISDICTION."*

10-25-2021 *"MOTION TO DISMISS PUBLIC DEFENDER NATHAN BEST."*

10-25-2021 *"DECLARED WITNESSED TESTIMONY. NOTICE AND COMMAND FOR COURT ORDER REGARDING BRIEF IN SUPPORT OF DEMAND FOR EXECUTIVE PUBLIC PROSECUTORS. DEMAND FOR PUBLIC PROSECUTORS OR IN THE ALTERNATIVE TO DISMISS."*

10-25-2021 *"DECLARED WITNESSED TESTIMONY. BRIEF IN SUPPORT OF NOTICE AND COMMAND FOR COURT ORDER REGARDING DEMAND FOR EXECUTIVE PUBLIC PROSECUTORS. DEMAND FOR PUBLIC PROSECUTORS OR IN THE ALTERNATIVE TO DISMISS."*

10-25-2021 *"Exhibit A - DISSOLUTION OF THE GOVERNMENTAL STRUCTURE AND AUTHORITIES."*

10-25-2021 "Exhibit B - ADMISSIONS TO PRACTICE LAW IN THE DE JURE STATE COURTS."

10-25-2021 "Exhibit C - OCCUPATIONAL LICENSING IS A TITLE OF NOBILITY."

All of Accused's Motions have been **DENIED**.

Cruel and Unusual Punishment, Conflict Of Interest, Violation Of Eighth Amendment, Violation of Due Process, Violation of Equal Protection, Obstruction of Justice, Trespass On The Case, and More for The Record.

I Command COMMISSION OF JUDICIAL CONDUCT an Investigation of the Matter.

-Pro Se Michael Willis Chase
P.O. Box 4461, Sedona, Arizona, USA 86340
aloha777sedona@gmail.com
+1 (928) 399-9688
Facebook: Aloha Sedona (Person Search)

Dated this 10th day of December, 2021.

Autograph: _____

Michael Willis Chase of the Chase Family,
Pro Se, Principal Creditor for
MICHAEL WILLIS CHASE™, which
is a Corporate Identity, a Legal Fiction in
all uppcase, a decedent. All rights reserved.

Seal

Witnessed By: (two or three witnesses)

As: "... at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established." Deuteronomy, chapter nineteen, verse fifteen.

Paul Agneberg
Witness
Paul Agneberg

1/11/21 1/11/21
Witness
1/11/21 1/11/21

91-7

Defendant Name: MICHAEL WILLIS CHASE	FELONY RELEASE CONDITIONS and RELEASE ORDER
Address: 79 S CANYON DIABLO RD	
SEDONA, AZ 86351	
Enroll:	TIME 11:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
Phone: 928-580-3786	<input type="checkbox"/> Interpreter - Language: _____
DR/Bkng No: 19-040771/19-09228	

- ☐ PRESCOTT JUSTICE COURT - 120 S. Cortez Street, Room 103, Prescott, AZ 86303 - (928-771-3300)
- ☒ VERDE VALLEY JUSTICE COURT - 10 S. 6th Street, Cottonwood, AZ 86326 - (928-638-5820)
- ☐ MAYER JUSTICE COURT - 12840 Central Avenue (P. O. Box 245), Mayer, AZ 86333 - (928-632-7342)
- ☐ SELIGMAN JUSTICE COURT - 54180 Floyd St. (P. O. Box 55), Seligman, AZ 86337 - (928-422-3261)
- ☐ BAGGAD-YARHELL JUSTICE COURT - 22581 Looka Way (P. O. Box 65), Yarnell, AZ 85362 - (928-427-3318)

CHARGES: **ARS 6 13-1802A1 - Criminal Damage, 13-2408.02 - Make Terror Threat/False Report of Terrorism**

13-3110A - Misconduct Involving Simulated Explosive Device, 13-2857A3 - False Reporting - Prevent Occupancy of Building

- ☒ Defendant has been advised of the charges and the right to silence, counsel, trial, and preliminary hearing. *Indicates he will hire own lawyer but will appoint a Public Defender as well.*
- ☒ Public Defender ☒ Appointed ☐ Denied ☐ Financial Resources needed ☐ Denied ☐ Undecided
- If Public Defender appointed, Defendant shall pay \$25 fee and may be ordered to repay county for cost of his/her legal services.
- Yavapai County Public Defender: Prescott: 928-771-3588 Verde: 928-657-7788

THE DEFENDANT IS ORDERED TO COMPLY WITH THE FOLLOWING CONDITIONS OF RELEASE:

- ☒ Appear for ☐ EARLY DISPOSITION COURT
- ☒ BAIL ELIGIBILITY HEARING on: _____
- Appear at 8:00 a.m. if in custody or 1:00 p.m. if out of custody at the following location:
- ☐ Yavapai County Courthouse - Prescott 120 South Cortez Street, Prescott, Arizona 86301
- ☐ Yavapai County Courthouse - Camp Verde 2840 N. Commonwealth Drive, Camp Verde, Arizona 86322
- ☒ Appear for a PRELIMINARY HEARING at the court indicated above on: Date: Monday December 2, 2019 at 4:00 p.m.
- ☒ Obey all orders of the Court. Do not commit any crimes. Notify the Court immediately if your address changes. Do not leave the State of Arizona without permission of the Court. If applicable, diligently prosecute appeal following judgment and sentence.
- ☒ Do not contact the alleged victim(s) in any manner. Chase Bank - VOC
- ☒ Do not go near the location of the alleged offense. You may return one time with a police officer as civil standby to obtain belongings.
- ☒ Remain in contact with your attorney (Public Defender or privately-retained attorney).
- ☒ Do not possess or consume any alcohol or drugs without a valid prescription.
- ☐ Do not possess any firearm.
- ☐ DNA Test per A.R.S. §13-510L. Report within 5 days to Yavapai County Sheriff's Office to submit sample for DNA testing.
- ☐ Fingerprint Order per A.R.S. §41-1750(U). Report within 20 days to Yavapai County Sheriff's Office for Ten-Print fingerprinting.
- ☐ Other: _____

RELEASE TYPE:

- ☐ Own Recognizance (O.R.) - Defendant is released on his or her promise to appear in Court as required.
- ☒ Appearance Bond - Defendant shall post bond in the amount of \$ 500,000 ☐ Secured Appearance Bond ☒ Cash Only
- ☐ No Bail - Hold Defendant without bail per Rule 4.2 (a)(8), A.R.C.P.
- ☐ Pretrial Services - Defendant shall be released to Yavapai County Pretrial Services. If Defendant violates a term of supervision, Defendant may be returned to custody, subject to release on bond.
- ☐ Third Party Release - Defendant shall be placed in the custody of: _____
- Address and phone: _____
- who agrees to supervise Defendant according to the conditions of this Order, to use every effort to assure that Defendant appears at all hearings before the Court, and to notify the Court immediately if Defendant violates any condition of release or if Defendant flees.
- Custodian Signature: _____

If the County Attorney notifies the Jail that no felony charges are being filed, then Defendant may be released on this case only.

DEFENDANT TO READ AND SIGN: I promise to comply with my release conditions. I understand I have the right to be present at my trial and other proceedings in my case, and if I fail to appear the trial or proceedings will be held without me and any bond posted may be forfeited. If convicted, I understand I will be required to appear for sentencing. If I fail to appear, I may lose my right to a direct appeal. If I violate any condition of this Order, I understand my release can be revoked and a warrant may be issued for my arrest.

November 22, 2019

Date

Defendant

Judge

CC: ☐ Detention ☐ CJA ☐ Vio. Services ☐ Victim ☐ Jail ☐ Local Police ☐ EDC Date: _____ By: _____ Release Order FELONY 9-1-18 Yavapai County



EXHIBIT - B

Verde Justice Court info

1 message

Lisa Chaney <MLM_561@hotmail.com>
To: aloha777sedona@gmail.com <aloha777sedona@gmail.com>

Tue, Jun 8, 2021 at 1:19 PM

Hi, Mr. Chase

I spoke with Verde Valley Justice Court regarding the hearing held on 11/22/2019 that you were inquiring about for me to transcribe. They told me that the Initial Hearings are not recorded by video, audio, or court reporter which surprises me, but perhaps because they only deal with misdemeanors no recording is necessary. So sorry I cannot help you out.

If you have any further questions for the Verde Valley Justice Court here is their number 928-639-5820, hit 0, and somebody should pick up the phone.

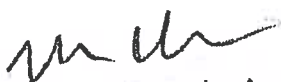
Thank you,
Lisa

*Mrs. Lisa Chaney, Lead Reporter
Yavapai County Superior Court, Division 2
Hon. John D. Napper, Presiding Judge
120 S. Cortez Street
Prescott, Az 86303-4747
928-777-7927 (Office) 928-533-2537 (Cell)*

EXHIBIT - C

Supervising Attorney Matt Cochran,

- My "Right To Speedy Trial" (Rule 8) Has Been Violated On April 18th (150 Days In Custody). I Have Never Waived Time, And I Do Not Consent To Waving Time. Motion Case Dismissed.
- I Have Three Attorneys, They Are Talking With My 3rd Party On My Behalf, And They Are Setting Up My "Power Of Attorney". Submit My Motion For Tores Hearing To Remove Ruth Angela Szanto As Public Defender, Until My Real Attorney Takes Over.
- I Need Transcript Of Self-Hearing On April 14th
- My Cover Letter And Five Page Letter, Motion Under Rule 16.4B. (Copy In R.T.C. File, Permission To Share).
- Motion Rule 7.4, Modify Bail, And Release Conditions.
- * Ruth Angela Szanto Has Ignored My Requests For Over Five Months, She Is Fired.



4-20-20

-Michael Willis Chase



EXHIBIT - C

Assistant's Direct Line: 602-340-7244

March 20, 2020

Michael Willis Chase
Yavapai County Detention Services
2830 N. Commonwealth Drive, Suite 105
Camp Verde, AZ 86322

Re: File No: 20-0516
Respondent: Ruth Angela Szanto

Dear Mr. Chase:

I reviewed your submission regarding Ms. Szanto. I also reviewed the court docket for your criminal case.

The issues you raise involving how Ms. Szanto is handling your case, as well as allegations you are innocent, she is violating your 6th, 8th, and 14th Amendment rights, she is jeopardizing "statutes of limitations," and the doctor ordered medication for you without providing drug information, are legal issues that require a determination by a court of law. As you are involved in a current, ongoing criminal case, the court is the appropriate venue at this point to address issues you have related to your case. Concerns such as yours should, therefore, be directed to the judge presiding over the proceedings. The State Bar cannot intervene in your pending case nor may the State Bar take action that would directly or immediately impact your case. Please note, Ms. Szanto is not obligated to follow all your instructions. She has an independent professional obligation to only pursue claims, defenses, and actions she believes are well-grounded in fact and law. Further, you alleged cases never make it to trial because defendants are deemed not competent to stand trial. Once a defendant is found competent or is determined to be restored to competency, the criminal case begins moving forward again, to trial if a defendant chooses not to accept a plea agreement. You also alleged you do not want a public defender. You may file something with the court requesting your attorney's removal and informing the court you want to hire private counsel. I am not allowed to recommend attorneys, but if you have friends or family who can access a computer, they can search for attorneys on the State Bar's website, azbar.org, through the "Find-A-Lawyer" Program.

If the court determines Ms. Szanto acted inappropriately, please advise us in writing, including a copy of the written decision, and we will review the matter at that time. Until then, we consider this matter dismissed and will take no further action. Pursuant to Arizona Supreme Court Rule 71, the State Bar file may be expunged in three years.

Sincerely,


Blair Hartwell Moses
Bar Counsel - Intake

BHM/tab

EXHIBIT - C

SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI ✓

STATE OF ARIZONA, Plaintiff, -VS- MICHAEL WILLIS CHASE, Defendant.	Case No. V1300CR201980661 ORDER DENYING MOTION TO MODIFY RELEASE CONDITIONS	FILED DATE: <u>FEB 27 2020</u> <u>11:40</u> O'Clock <u>A</u> .M. DONNA McQUALITY, CLERK BY: <u>J. HARSHMAN</u> Deputy
--	---	--

HONORABLE CHRISTOPHER L. KOTTKE DIVISION PTB	BY: Melissa May, Judicial Assistant DATE: February 25, 2020
---	--

The Court has received and reviewed the Defendant's *Motion to Modify Release Conditions* filed January 27, 2020 and the State's *Response* filed February 4, 2020.

In the best interests of justice and for the safety of the public,

IT IS HEREBY ORDERED denying the *Motion to Modify Release Conditions*.

cc: George Rodriguez, Esq., Yavapai County Attorney's Office, Counsel for State (e)
Ruth Szanto, Esq., Yavapai County Public Defender's Office, Counsel for Defendant (e)
Victim Services (e)
YCSO Inmate Records (e)
Yavapai County Restoration to Competency Program – sent via fax email by the division

EXHIBIT - D

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

vs.

MICHAEL WILLIS CHASE,

Defendant.

YAVAPAI COUNTY SUPERIOR COURT
CASE NUMBER: V1300CR201980661

BEFORE: THE HONORABLE CHRISTOPHER KOTTKE
JUDGE OF THE SUPERIOR COURT, DIVISION PRO TEM B
REPORTER'S TRANSCRIPT OF PROCEEDINGS
SELL HEARING

Camp Verde, Arizona
April 14, 2020
8:34 o'clock a.m.

PREPARED BY:

M. LISA EDGAR, R.P.R., C.P.
ARIZONA CERTIFIED REPORTER
ARIZONA C.S.R. NUMBER 50273

PREPARED FOR:

MR. MICHAEL W. CHASE

COPY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

PAGE

E X A M I N A T I O N .

COLLINS, Mark Jerome.

By Mr. Rodriguez.....	6
By Ms. Szanto	12
By Mr. Rodriguez.....	25
By Ms. Szanto.....	29

STEWART, JOSEPH B.

By Mr. Rodriguez.....	32
By Ms. Szanto.....	36

1 APPEARANCES:

2 For the State:

MR. GEORGE RODRIGUEZ,
Deputy County Attorney,

4 For Mr. Chase:

MS. RUTH SZANTO,
Deputy Public Defender.

6 Camp Verde, Arizona
7 April 14, 2020
8 8:34 o'clock a.m.

9 (Pursuant to Supreme Court Administrative Orders
10 and Yavapai County Administrative Orders in response to
11 Covid-19, the following proceedings were held utilizing the
12 videoconferencing system Microsoft Teams and/or by telephonic
13 means.)

14
15 TRANSCRIPT OF PROCEEDINGS
16
17
18
19
20
21
22

23 THE COURT: This is Judge Kottke. This is the
24 time set for a Sell Hearing in State versus Michael Willis
25 Chase, Verde 1300CR201980661. parties appearing by telephone.

1 Please announce your presence for the record.

2 MR. RODRIGUEZ: George Rodriguez on behalf of the
3 State.

4 MS. SZANTO: Ruth Szanto.

5 THE COURT: Ms. Szanto.

6 MR. CHASE: Michael Chase. I'm present.

7 MS. SZANTO: Ruth Szanto is also present.

8 DOCTOR COLLINS: Doctor Mark Collins.

9 DOCTOR STEWART: Joe Stewart.

9:42

10 THE COURT: All right. Anyone else on the line?

11 And, Mr. Chase, thank you for identifying
12 yourself. Can you hear everybody on the line, Mr. Chase?

13 MR. CHASE: Yes. So far, yes.

14 THE COURT: You can see everybody okay?

15 MR. CHASE: I only see you, Your Honor.

16 THE COURT: Very well. Thank you, sir.

17 All right. Mr. Rodriguez, are you ready to
18 proceed in this matter?

19 MR. RODRIGUEZ: Yes, Your Honor.

30:14

20 THE COURT: Call your first witness whenever you
21 wish.

22 MR. RODRIGUEZ: Okay, Your Honor. The State would
23 like to first call Doctor Mark Collins. And for the sake of
24 expediency, can the -- the State would like to stipulate to the
25 education and qualifications of both Doctor Collins as well as

1 Doctor Stewart.

2 THE COURT: Ms. Szanto?

3 MS. SZANTO: That's fine.

4 THE COURT: All right. Very well. We will accept
5 that as a stipulation.

6 Mr. Rodriguez, I don't have that data. Can you
7 just kind of walk through it rather than take the witness
8 through that, just their education and background for our
9 record, please?

10
11 MARK JEROME COLLINS,
12 called as a witness herein, was examined and testified as
13 follows:

14
15 EXAMINATION

16 BY MR. RODRIGUEZ:

17 Q. Doctor Collins, can you please state your full name for
18 the record and spell your last name, please?

19 THE COURT: Well, hold on. Hold on one second.

20 Doctor Collins, I need to swear you in. Will you
21 go ahead and raise your right hand for me?

22 All right. The Clerk will swear you in at this
23 time.

24 (MARK JEROME COLLINS was duly sworn by the Court
25 Clerk.)

1:06

1 THE COURT: Mr. Rodriguez, you may continue.
2 Thank you, sir.

3 MR. RODRIGUEZ: Thank you.

4
5 MARK JEROME COLLINS,
6 called as a witness herein, having been first duly sworn, was
7 examined and testified as follows:

8
9 EXAMINATION

10 BY MR. RODRIGUEZ:

11 Q. Doctor Collins, once again, if you would please state
12 your full name for the record and spell your last name, please.

13 A. Mark Jerome Collins, C-o-l-l-i-n-s.

14 Q. And, Doctor Collins, what is your occupation?

15 A. I'm a psychiatrist.

16 Q. And could you briefly for the Court summarize your
17 training experience and education in that field?

18 A. I'm a triple board psychiatrist boarded in
19 neuropsychiatry, adult psychiatry, child and adolescent
20 psychiatry. Did a residency at the University of Kansas,
21 fellowship at University of Illinois, Chicago, and then a
22 neuropsychiatry residency.

23 Q. And currently you are contracted with Yavapai County in
24 regards to the Restoration to Competency Program?

25 A. Yes. I provide psychiatric consultation.

32:20

1 Q. And in regards to psychiatric consultation,
2 specifically in regard to -- or at least related to the
3 prescription and prescribing of medications to persons in that
4 program?

5 A. It's assessment of differential diagnosis, assessment
6 of the ability to do the cognitive portion of the program and
7 then also medication management.

8 Q. And are you familiar with Mr. Michael Chase?

9 A. I am.

10 Q. And did you -- did you have an opportunity to sit down
11 with him and do some assessments with him?

12 A. Yes, I have seen him.

13 Q. And, doctor, based upon your interaction with
14 Mr. Chase, did -- did you have a recommendation that he be
15 prescribed some medication.

16 A. I did.

17 Q. And is that medication -- let me rephrase that.
18 What were those medications that would be

19 recommended?

20 A. Haldol and Cogentin.

21 Q. And how did those affect and assist Mr. Chase?

22 A. Hopefully they would help him with his paranoia, his
23 delusional thoughts, his agitation, his irritability and the
24 ability to work in the program.

25 Currently his psychosis makes it nearly impossible

1 for him to engage in the program to the point where he can
2 actively participate in that, his part of the program from a
3 legal perspective.

4 Q. And if you could explain in -- in lay terms, as best as
5 possible, Doctor Collins, what -- what would these medications
6 individually and/or combined together -- when taken, how will
7 they affect Mr. Chase as to what will they do to allow him to
8 get to the point where he would be competent as well as assist
9 you and others in the program to help him with this process to
10 restore himself to competency?

5:08

11 A. The Haldol specifically is the main medication. It
12 would address his delusional content. He writes multiple
13 grievances, he has multiple lawsuits going on. He is
14 essentially paranoid and delusional regarding anybody he comes
15 into contact with.

16 So it would help him with his delusional content,
17 it would help him with his thought organization, it would help
18 with his agitation and his irritability and it would just
19 essentially restore some order in his brain that he could
20 complete the program.

35:42

21 Cogentin is a prophylactic medication in case
22 there would be any side effects. That medicine was started
23 just to avoid any side effects from medication.

24 Q. Doctor, assuming Mr. Chase would take -- take these
25 medications, do you believe if he were to take those

1 medications that he could be restored to competency?

2 A. I do.

3 Q. And are you able to put it in a percentage of the
4 likelihood that he may be restored competency?

5 A. I would say there is at least a 80 to 90 percent
6 chance, a relatively high chance that he would achieve a
7 relatively high treatment response and that he would be able to
8 complete -- complete the RTC Program.

9 Q. And, doctor, do you believe that this -- for him to
10 successfully treat -- successfully complete the RTC Program, is
11 it medication dependent?

12 A. It is.

13 Q. Are there any negative side effects to either the
14 Haldol or Cogentin?

15 A. We would watch to make sure he is not having any tremor
16 or excessive sedation or drooling, we watch bowel movements to
17 make sure he has normal bowel movements. Those are the main
18 things we watch for.

19 Q. And a number of those side effects, assuming, you know,
20 as you indicated you will be watching for those, none of these
21 will affect work participation either for or with his
22 attorneys?

23 A. It should not.

24 (Indiscernible background noise from jail over
25 Teams.)

36:44

37:20

1 THE COURT: Could somebody check the background
2 noise so Mr. Chase can hear the proceedings, please?

3 DETENTION OFFICER (IN JAIL): Yes, Your Honor.

4 THE COURT: Mr. Rodriguez, you may continue.

5 MR. RODRIGUEZ: Thank you, Your Honor.

6 Doctor Collins, is there any other -- any other
7 measures other than these two prescription -- prescribed pills
8 that would be effective in restoring Mr. Chase to competency?

9 A. No. We've attempted -- I have attempted interventions,
10 Doctor Stewart has attempted, nursing and the counseling staff.
11 We're essentially stymied at this time secondary to his
12 psychosis and unable to get him to complete the program.

13 Q. And these drugs, doctor, are they medically appropriate
14 for -- in order to get him to competency?

15 A. They are.

16 Q. And the administration of -- of these drugs, are they
17 in Mr. Chase's best medical interest as well?

18 A. They are.

19 MR. CHASE: I can't hear anything.

20 THE COURT: I'm not sure where that background
21 information is -- or noise is coming from, but whoever's side
22 it's on -- and I apologize for this, Mr. Chase. I try to do
23 the best we can. But whoever's got that noise going on, if
24 they could keep that down, please.

25 MR. CHASE: I can't hear the questions or the

8:18

39:40

1 answer now. I can't hear anything.

2 MR. RODRIGUEZ:

3 Q. Doctor Collins, any other -- are there any other
4 alternatives to the medication in this case that would assist
5 Mr. Chase?

6 A. Currently there are not because, again, we are
7 essentially stuck where we're at right now.

8 Q. And, doctor, has Mr. Chase refused to take the
9 medications at the jail?

10 A. He has.

11 Q. Do you know approximately how long he's been refusing
12 to take these pills?

13 A. Oh, close to two months.

14 MR. CHASE: I can't hear.

15 BY MR. RODRIGUEZ:

16 Q. These medications, Doctor Collins -- these are typical
17 medications you would typically prescribe to someone who's
18 suffering from the paranoid delusions that Mr. Chase is
19 suffering from?

20 A. They are.

21 Q. And have you seen them be successful in the past for
22 other patients?

23 A. Yes, multiple times.

24 MR. RODRIGUEZ. Thank you, doctor. I have no
25 further questions for you.

10:47

:32

1 THE COURT: All right. Ms. Szanto.
2 MS. SZANTO: Yes, Your Honor.

3 EXAMINATION
4

5 BY MS. SZANTO:

6 Q. When did you first meet with Mr. Chase?

7 A. Let me try to get to my records without cutting us off.
8 Give me a second.

9 The first evaluation was January 30th, 2020.

10 Q. How long did that meeting last; do you recall?

11 A. Probably would have been 15 minutes or so.

12 Q. Did you meet with Mr. Chase thereafter?

13 A. Pardon me?

14 Q. Did you meet with Mr. Chase after that meeting?

15 A. I have.

16 Q. Do you recall when that was?

17 A. He was seen last week.

18 Q. And he's been seen essentially weekly by you?

19 A. Yes.

20 Q. Do you recall how long those meetings last?

21 A. They don't last particularly long because he doesn't
22 participate. He becomes argumentative. He's delusional. He
23 has -- has thought disorder and because becomes easily agitated
24 and not able to participate secondary to his psychosis.

25 Q. When you met with Mr. Chase, what was your diagnostic

12:19

12:57

1 impression?

2 A. The current working diagnosis -- current diagnosis is
3 paranoid schizophrenia.

4 Q. Isn't that -- doesn't schizophrenia usually manifest at
5 an early age in folks?

6 A. It does, but there is -- there is late onset paranoid
7 schizophrenia in both in males and females. Also I don't think
8 Mr. Chase has been forthcoming in giving his history.

9 Since secondary is paranoia, frequently he states
10 he's going to plead the 5th and I don't believe we have been
11 able to get a consistent history.

12 * Q. In fact, you haven't gotten any kind of medical records
13 from him; right?

14 A. We haven't been able to find any.

15 Q. Isn't it true that he was in the military?

16 A. It was his report.

17 * Q. Did you try to get any medical records from the VA?

18 A. You know what, I don't recall right now. I don't have
19 that in my notes. I don't recall that right now.

20 :35 * Q. Now, could it be that Mr. Chase is simply irritable?

21 A. No, because he exhibits a thought disorder where it's
22 tangential thinking, there's looseness of association, he
23 exhibits disorganized thinking in addition to the delusions
24 that are not -- is not just the function of just generalized
25 irritability.

I Refused All Lab Work.

1

Q. Now, you -- did you issue an individualized restoration plan?

2

A. That was Doctor Stewart.

3

* Q. Did you perform any sort of laboratory evaluation of Mr. Chase.

4

5

A. He had a laboratory lab work up and general assessment on admission.

7

8

* Q. Did you look at whether -- did you assess any of his functions such as his thyroid function?

9

10

A. They were assessed upon admission.

11

Q. Upon admission did you say, doctor?

12

A. Pardon me? I couldn't hear you.

13

* Q. Were those functions assessed upon his admission? Is that correct?

14

15

A. Yes.

16

* Q. Now, when you say assessed upon his admission, that would have been just some lab work, some blood work; is that right?

17

18

19

A. Blood work and if there was anything that was abnormal then the physician, the general medical doctor, would have seen him.

20

21

22

Q. Well, it wasn't like any EKG or any -- any kind of testing was done otherwise just other than the blood work?

23

24

A. We do EKGs when somebody is placed on medication to make sure there is no abnormalities. Since he is not compliant

25

Could
Haldol killed
me
I have
Abnormal
Heart Rate

1 with the medication, there is no indication to do an EKG.

2 *Q. Isn't it true that some of the side effects for Haldol
3 can be a reduced heart rate?

4 A. Occasionally. That is very, very rare; very rare.

5 Q. Can you tell me about some of the side effects of the
6 Haldol?

7 A. It can be tremor, it can be dry mouth, it can be
8 constipation. Very rarely there could be something called
9 neuroleptic malignant syndrome or tardive dyskinesia. Those
10 are extremely rare complications.

11 Q. And are those side effects permanent if they do occur?

12 A. Constipation, dry mouth, tremor are not. Tardive
13 dyskinesia can be permanent. Neuroleptic malignant syndrome
14 could also be permanent and could cause significant sequelae.
15 Those usually are -- those usually happen with high dose and
16 quick titration of the antipsychotic that give the side
17 effects.

18 In the Restoration Competency Program you start at
19 the lowest dose and gradually increase those weekly. You'd be
20 assessed by nursing daily, assessed by myself weekly so we're
21 able to monitor any side effects and treat those quickly.

22 Q. So that daily assessment, how long would you say that
23 lasts?

24 A. Nursing sees him daily. They see him -- they will see
25 him with the med administration. If they notice any tremor,

17:36

18:19

1 any side effects, they would be able to initiate vitals,
2 initiate assessment by the medical doctor.

3 And then, again, seen by myself weekly, he's also
4 seen by the counselor weekly. So if there would be any side
5 effects that are emerging, they would be assessed quickly.

6 Q. The -- the daily medication, would that just be a
7 handing off the medication and then moving on?

8 A. With the nurses, they assess and they will look for
9 side effects, they will look for tremor, they look for any
10 other thing that could potentially be a side effect so it's
11 medication administration. It's also an assessment of if there
12 is any side effects.

13 Q. What are you basing the dosage for Mr. Chase on?

14 A. I'm sorry; I could not hear the question.

15 Q. What are you basing the dosage on for Mr. Chase?

16 A. Basing that which again in the RTC Program we can start
17 at the lowest dose, we're starting at the lowest dose and then
18 gradually bringing it up from there.

19 Q. And at the moment you want to start him at two and a
20 half milligrams; is that right?

21 A. 2.5 milligrams daily.

22 Q. And that would be the lowest dosage?

23 A. Yes.

24 Q. Isn't it true that Haldol can cause confusion?

25 A. Again, in high doses it can and that's why we have --

1 again, that is one of the good things about the RTC Program is
2 we do not have to start at a therapeutic dose. We can start at
3 a subtherapeutic dose and gradually bring that up, monitoring
4 for any side effects.

5 Q. And what would be the dosage where it would cause
6 confusion?

7 A. It usually does not. If there's confusion, and then
8 again that's usually 25 to 30 milligrams daily. That's still
9 very rare.

10 Q. So it is a possible side effect?

11 A. Possible, yes.

12 Q. And we don't have any information about Mr. Chase's
13 medical history and how he reacts to medication; right?

14 A. Maybe he's taken one dose, but there's not been
15 anything that there -- he's not been consistent compliant to
16 assess side effects or assess ability to respond to the
17 medication.

18 Q. Do you know whether he has any allergies?

19 A. Let me go back to my notes. Give me a second.

20 Okay. On that January 30th initial examination he
21 denied any allergies to medications.

22 Q. Now, when you say that you diagnosed him with
23 schizophrenia, did you -- what are you basing that on?

24 A. Clinical interview, his report of his thoughts, the
25 delusions, also clinical interview where again he exhibits

51:05

1:46

1 disorganized thinking, his thoughts are tangential, so that's
2 what his -- the basis of the diagnosis as well as review of the
3 Rule 11. That also indicated a psychotic disorder.

4 Q. Let's -- let's talk about Doctor Sullivan's report. I
5 assume you read Doctor Sullivan's report; right?

6 A. I did. I did.

7 Q. Do you recall how long Doctor Sullivan met with
8 Mr. Chase.

9 A. I do not. Give me a second.

53:27

10 I don't see a time right here. I -- I don't see
11 any time.

12 MR. CHASE: The time is --

13 BY MS. SZANTO:

14 Q. Isn't it true Doctor Sullivan specified in her report
15 that Mr. Chase in fact understands his constitutional rights?

16 A. Yeah, I believe she states -- stated that there was
17 reasonably that he understood the constitutional rights. But
18 she also stated that the psychotic disorder would impair his
19 ability to complete the program.

53:59

20 ~~MR.~~ MR. CHASE: She didn't say that.

21 BY MS. SZANTO:

22 Q. And the only -- and Doctor Sullivan opined it could be
23 an unspecified psychotic disorder with paranoid ideation;
24 right?

25 A. Yes.

10 Months Incarcerated

21 Federal Lawsuits Form ~~SSO~~
122 Grievances ~~SSS~~

19

1 Q. And you, yourself, stated that he -- that he filed
2 multiple lawsuits and grievances?

3 A. I believe that's in there somewhere.

4 Q. And so at the very least he does have -- his thinking
5 is organized enough for him to file grievances?

6 A. Well, the grievances really have no factual -- from our
7 perspective have no factual basis to them, so the grievances
8 are based on delusional content.

9 Q. Although he is organized enough in his thoughts to
10 write down the grievance and go through that process?

11 A. But they're psychotic. Every week he talks about he's
12 getting a vegan diet. Every week he talks about that he's not
13 getting a vegan diet. He continues to write grievances which,
14 again, are based on psychosis.

15 Q. Isn't it true that a lot of folks with schizophrenia
16 present with visual hallucinations?

17 A. Paranoid schizophrenia you don't have to have -- always
18 have to have visual hallucinations. Paranoid schizophrenia is
19 more consistent with delusional symptoms as well as a thought
20 disorder.

21 Q. And Mr. Chase does not have any kind of hallucinations;
22 right?

23 A. I don't believe I documented any visual hallucinations.
24 He does talk to himself a lot, again, exhibits the paranoia and
25 the thought disorder.

1 MR. CHASE: Paranoia.

2 BY MS. SZANTO:

3 Q. Although it is true that Mr. Chase is in jail, has
4 Mr. Chase given you any indication whether he has any violent
5 tendencies?

6 A. He is easily agitated in sessions with me and reviewing
7 Rule 11, you know, the charges do have some concern, but he's
8 easily agitated.

9 Q. But while you were meeting with him?

10 A. Pardon me?

11 Q. I said while you have been meeting with him, doctor,
12 any indications of that?

13 A. That he's easily agitated. He's not been aggressive in
14 session.

15 Q. He simply disagrees with the proposed treatment; is
16 that right?

17 A. He does.

18 Q. Why did you order Mr. Chase to be prescribed with
19 Cogentin?

20 A. I just do that prophylactically to make sure we don't
21 get any side effects of tremor or things like that so that's a
22 prophylactic medication.

23 MR. CHASE: I can't hear anything.

24 MS. SZANTO: I'm sorry.

25 THE WITNESS: Yes.

56:47

57:19

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MS. SZANTO:

Q. What did you base that dosage on?

A. That's the normal starting dose of anybody on Haldol. That's the normal starting dose.

Q. Are there side effects with Cogentin?

A. Pardon me?

Q. Are there side effects of Cogentin?

A. It's usually a little dry mouth, occasionally constipation, things -- things that we monitor.

Q. Okay. Are those going to be permanent?

A. No.

Q. Do you recall in Doctor Sullivan's report her stating that he had written a five-page letter in an effort to try to (audio indiscernible).

THE COURT REPORTER: Ms. Szanto, can you repeat that?

THE COURT: Hold on, Doctor Collins. Ms. Szanto, you cut out. Folks, if you would --

MS. SZANTO: Oh. I'm sorry.

THE COURT: Yeah. If you would slow down just a little bit as well. The court reporter is having some trouble keeping up with everybody. So if you would just restate the question, Ms. Szanto.

BY MS. SZANTO:

Q. Doctor, do you recall in Doctor Sullivan's report her

58:10

3:51

1 stating that Mr. Chase did write a five-page letter in an
2 effort to assist her with the writing of her report?

3 A. I believe that is in the report. I have not reviewed
4 that letter.

5 Q. Do you recall whether Doctor Sullivan in her report
6 mentioned that he did try to help with his case through the
7 writing of letters?

8 A. I don't recall that.

9 Q. Would you say Mr. Chase being irritable is more of a
10 personality issue rather than a psychological disorder?

11 A. His irritability is the function of a psychiatric
12 disorder which is paranoid schizophrenia.

13 Q. But you don't have the medical records. That is
14 speculation; isn't it?

15 A. Pardon me?

16 Q. I will -- I will repeat the question. Since that is --
17 since you don't have his medical records, that is speculation;
18 isn't it?

19 A. No. I can still render a diagnosis after my clinical
20 assessment.

21 Q. What are you basing your -- you hadn't met Mr. Chase
22 before he got into the RTC Program; right?

23 A. No.

24 Q. So it could be that he is just an irritable person?

25 A. I'm going over the same thing. I've already discussed

1 that and I told you that he's had a psychiatric examination.
 2 He exhibits psychiatric symptoms of a looseness association,
 3 tangential thought, disorganized thought, paranoid delusions
 4 which are consistent with what Doctor Sullivan saw.

5 Also if you look at Doctor Sullivan's report the
 6 psychiatric particular symptoms are not irritability. They are
 7 a psychiatric disorder.

8 Q. What are you basing the restoration on?

9 A. He can be restored if his psychosis is treated.

10 *Q. But you have no medical records that would allow you to
 11 figure out one way or -- or the other on that; isn't that
 12 right?

13 A. No, I'm doing it from my experience with doing this
 14 restoration to competency clinic for multiple years that
 15 people -- the majority of people with psychiatric disorders and
 16 psychotic disorders, once appropriately medicated they can be
 17 restored.

18 Q. Isn't true it gets harder when folks get older?

19 A. It can.

20 Q. You said earlier that you did try counseling with
 21 Mr. Chase; is that right?

22 A. I tried to work on discussing the medication, the
 23 ability to engage in the program. Our counselors also worked
 24 with him and if you read the notes from the counselors he's --
 25 he's argumentative in session.

Quack
 Chase
 a. ion

32:40

1 They cannot get the work done secondary to
2 multiple grievances, multiple complaints. So again, his
3 delusional content is interfering with all aspects of the
4 program.

5 Q. Did you try sending different counselors?

6 A. Pardon me?

7 Q. Did you try sending a different counselor?

8 A. I believe he has been switched. I believe Doctor
9 Stewart would know the answer to that, but I believe he has
10 been switched.

3:27

11 Q. Thank you. And how long have you tried to engage him
12 in the counseling?

13 A. He gets that weekly.

14 MR. CHASE: I didn't hear that.

15 THE COURT: Mr. Chase, Mr. Chase -- hold on one
16 second, Ms. Szanto.

17 Mr. Chase, Doctor Collins just testified you get
18 that weekly, the counseling.

19 MR. CHASE: Yes, but not consistently.

04:02

20 THE COURT: I'm not asking for a response. I'm
21 making sure you hear everything. I'm responding to your
22 question.

23 MR. CHASE: Yes, Your Honor.

24 THE COURT: Ms. Szanto, you may continue.

25 BY MS. SZANTO:

1 Q. Could you -- would you prescribe these medications for
2 your private clients, for your private patients?

3 A. I do. I'm the medical director of Pronghorn Psychiatry
4 and these are medications that I consistently use in my
5 inpatient hospital.

6 Q. And when you say that this in his best medical
7 interests, that's based on the -- on -- in part at least on his
8 physical exam that you performed?

9 A. He's had, again, his evaluation and he's been evaluated
10 weekly when he comes so it's not limited.

11 MR. CHASE: It's a lie. I can't hear anything. I
12 can't hear anything.

13 MS. SZANTO: I have no further questions.

14 THE COURT: Okay. Mr. Rodriguez, redirect.

15 MR. RODRIGUEZ: Thank you.
16

17 EXAMINATION

18 BY MR. RODRIGUEZ:

19 Q. Doctor Collins, I just have one question for you. If
20 Mr. Chase does take the medications as prescribed, how long
21 before you would expect to see some positive effects from those
22 medications?

23 A. I would imagine we would start to see something within
24 two weeks. Again, we're using an extremely small dose so I
25 would not expect to see anything after the first dose.

1 Sometimes it would happen, but it would start -- I would think
2 we would subtle improvement within two weeks.

3 Full improvement, you know, that usually can take
4 up to six weeks or sometimes even a little bit longer, but
5 there should be some improvement initially within two weeks.

6 Q. And these medications ideally should kind of help,
7 amongst other things, calm that irritability that you were
8 mentioning Mr. Chase has?

9 A. It would help ameliorate the active psychotic symptoms
10 which are the thought disorder, the tangential thinking, the
11 looseness of association and the delusional content. It would
12 calm that and with the improvement of the primary psychiatric
13 symptoms, secondarily the general irritability would improve.

14 MR. RODRIGUEZ: Doctor Collins, I have no further
15 questions for you.

16 THE COURT: Thank you, sir. All right.

17 * MR. CHASE: Your Honor, this is Michael Chase. I
18 have a constitutional right to cross-examine Doctor Collins.

19 THE COURT: Ms. Szanto, did you hear your client?

20 MS. SZANTO: Yes, Judge.

21 THE COURT: Do you want to see if you can
22 communicate with Mr. Chase off line to see if there is
23 additional questions you wanted to ask or did you want him to
24 ask the questions of Doctor Collins?

25 MS. SZANTO: I don't think there is any way to

i:23

i:56

1 communicate with him off line.

2 THE COURT: Did you want him to cross-examine or
3 how would you like to proceed?

4 MS. SZANTO: That is a good question. Um --

5 * MR. CHASE: I have seven questions. It's my
6 constitutional right.

7 THE COURT: Let me ask the detention officer
8 there -- Mr. Chase, could you have the detention officer --

9 THE COURT: Does Mr. Chase have a telephone access
10 local right there?

11 DETENTION OFFICER: Yes, Your Honor. He has a
12 telephone right next to the monitor.

13 THE COURT: Why don't we take a -- I know this is
14 unusual. It's just the environment we're working in with the
15 telephone and, you know, all this stuff going on, so I need
16 everybody to be patient on this.

17 Mr. Chase, I'm going to ask that you call
18 Ms. Szanto and run those questions by her just so that your
19 rights are protected there as well. We'll take a --

20 MR. CHASE: I'll need her number, Your Honor.

21 THE COURT: Right. And, Ms. Szanto, what number
22 can you be reached at? Are you over at the -- over at the
23 Public Defender's Office? Ms. Szanto?

24 MS. SZANTO: I'm sorry. So, yes, I can be reached
25 at the general Public Defender's number which is 928-567-7758.

1 THE COURT: 7758?

2 MS. SZANTO: Correct.

3 THE COURT: 928-567-7758. Mr. Chase, if you would
4 give Ms. Szanto a call. We will be recess for five minutes.

5 MR. CHASE: Thank you, Your Honor.

6 THE COURT: We're at recess.

7 (A recess was taken.)

8 THE COURT: We are back on the record in State of
9 Arizona versus Michael Willis Chase.

10 Parties, if you would announce your presence for
11 the record.

12 MR. CHASE: Michael Chase present.

13 THE COURT: Thank you.

14 MR. RODRIGUEZ: George Rodriguez on behalf of the
15 State.

16 MS. SZANTO: And Ruth Szanto on behalf of
17 Mr. Chase.

18 THE COURT: All right. And, Doctor Collins, do we
19 have you there?

20 DOCTOR COLLINS: Yes.

21 THE COURT: Doctor Stewart?

22 DOCTOR STEWART: Yes, Your Honor, still here.

23 THE COURT: Very well. Thank you. All right.
24 So, Ms. Szanto, any additional cross-examination from your
25 client?

1 MS. SZANTO: Yes. Yes, Judge.

2
3 EXAMINATION

4 BY MS. SZANTO:

5 Q. Doctor Collins, how many patients do you have in the
6 Restoration to Competency Program?

7 A. How many patients in the Restoration to Competency
8 Program?

9 Q. Approximately, yes.

10 A. It can vary from nine to 15. It varies.

11 Q. And how many of those patients are receiving Haldol?

12 A. I would just have to take a guess at --

13 MR. CHASE: Ten.

14 THE WITNESS: -- five or six.

15 MR. CHASE: I didn't hear that question.

16 THE WITNESS: Five or six. That's just a rough
17 estimate.

18 THE COURT: Anything further, Ms. Szanto?

19 BY MS. SZANTO:

20 Q. I am sorry. So you said about nine to 15 total and
21 five or six are receiving Haldol; is that right?

22 A. That's -- I don't have the charts in front of me. That
23 would be an estimate.

24 Q. Okay. About how much time would you say you spend
25 answering patients' questions?

1 A. Depends on the question. If the question is based in
2 psychosis and delusional content, there's really no reason to
3 spend significant time, because if the content is paranoid and
4 delusional with somebody who is not medicated or overtly
5 delusional, there's no way to -- I don't have the ability to
6 discuss rationally and logically with that person who's
7 psychotic.

8 * Q. Isn't it true that Mr. Chase has asked about the side
9 effects of Haldol?

10 A. I explained to him the first couple of times as far as
11 what could happen. After that, there's been no reasoning with
12 him.

13 MR. CHASE: Liar.

14 BY MS. SZANTO:

15 Q. And what are the side effects of Haldol on --

16 A. We already -- we already went over that once.

17 Q. I'm sorry; what?

18 A. We discussed side effects already.

19 Q. Can you tell me on -- on the reproductive function?

20 A. Haldol can increase the prolactin level. Prolactin
21 levels can at times cause some decreased sexual -- sexual
22 interest and so it can decrease sexuality. That is not a --
23 not everybody gets that.

24 Q. Okay. Isn't it true that Haldol is a major
25 tranquilizer?

1 A. That is -- that is nomenclature from the '50s, '60s.
2 That nomenclature is not used anymore. It is a first
3 generation antipsychotic.

4 Q. And have you -- why have you have not tried a more mild
5 tranquilizer?

6 A. Tranquilizers are -- that is not nomenclature that is
7 used when we have first generation, second generation
8 antipsychotics. If you look at the literature there is little
9 difference in one is not mild, one is not major, one is not
10 severe, so really that's nomenclature that does not apply
11 anymore.

12 Q. Have you thought of using a different medication other
13 than Haldol?

14 A. There may be options, other options that we use, but
15 with his current diagnosis and disorder and clinical symptoms,
16 Haldol is appropriate.

17 MS. SZANTO: All right. Thank you.

18 THE COURT: All right. Mr. Rodriguez, any follow
19 on to any of those questions?

20 MR. RODRIGUEZ: No, Your Honor.

21 THE COURT: All right. Thank you, Doctor Collins.

22 DOCTOR COLLINS: Thank you.

23 THE COURT: And, Doctor Collins -- I guess for
24 both Ms. Szanto and Mr. Rodriguez, can Doctor Collins be
25 excused?

1 MR. RODRIGUEZ: Yes, Your Honor, from the State.

2 THE COURT: Ms. Szanto?

3 MS. SZANTO: Yes, Your Honor.

4 THE COURT: Okay. Very well.

5 All right. Doctor Collins, thank you for your
6 testimony. You are free to go.

7 Mr. Rodriguez, do you have any other witnesses?

8 MR. RODRIGUEZ: Doctor Stewart; I'd like to
9 briefly call Doctor Stewart.

10 THE COURT: All right. Very well. Doctor
11 Stewart, if you would raise your right hand, we'll go ahead and
12 swear you in, sir.

13 (JOSEPH B. STEWART was duly sworn by the Court
14 Clerk.)

15 THE COURT: All right. Mr. Rodriguez.

16 MR. RODRIGUEZ: Thank you.

17

18 J O S E P H B. S T E W A R T,

19

20 called as a witness herein, having been first duly sworn, was
21 examined and testified as follows:

22

23 E X A M I N A T I O N

24 BY MR. RODRIGUEZ:

25 Q. Good morning, Doctor Stewart.

1 A. Good morning.

2 Q. Doctor Stewart, could you please state your full name
3 for the record and spell your last name, please?

4 A. Joseph B. Stewart, S-t-e-w-a-r-t.

5 Q. And just ever so briefly for the Court, could you just
6 briefly describe your education, training and background in the
7 field of psychology and psychiatry?

8 A. I'm a psychologist. I have a master's degree in social
9 work from Florida State University, a master's degree in
10 psychology and doctorate in psychology from Northern Arizona
11 University and had training at the University of California,
12 San Francisco. I've been licensed in the state of Arizona as a
13 psychologist since 1977.

14 Q. And, Doctor Stewart, were you able to hear everything
15 that Doctor Collins had testified to?

16 A. Most of it. There was a lot of background noise at
17 times.

18 Q. Anything -- did you hear Doctor Collins testify to
19 anything that you disagreed with?

20 A. Point of clarification; we did attempt to get records
21 from the Veterans Administration.

22 THE COURT: Doctor Stewart, Judge Kottke. You
23 sound muffled. I'm getting probably three out of four words.
24 I don't know if it's background over at the detention center
25 over the telephone. If you would start over again, sir.

1 THE WITNESS: Yes, sir. How about this?

2 THE COURT: Perfect.

3 THE WITNESS: Okay. Just a point of
4 clarification; we did attempt to -- to get records, medical
5 records, from the Veterans Administration on Mr. Chase. They
6 indicated to us that they did a thorough search and there were
7 no records for anyone with that name. That's the only point of
8 clarification I need to make.

9 BY MR. RODRIGUEZ:

6:07 10 Q. Thank you. Have you had an opportunity to meet with
11 Mr. Chase?

12 A. I have.

13 Q. And --

14 MR. CHASE: Liar.

15 BY MR. RODRIGUEZ:

16 Q. -- do you agree that the medication prescribed -- the
17 medication that Doctor Collins is recommending would assist
18 Mr. Chase?

36:37 19 A. That's certainly my experience. I'm a psychologist and
20 not a -- not a physician. But my experience from, say, the
21 past 30-plus years is that an antipsychotic of -- of this class
22 and this dosing would be a starting place for someone to
23 address issues of psychosis and delusional thinking.

24 Q. Doctor, based upon your training and experience, have
25 you seen when people take these specific medications in those

1 lower amounts, do they seem to progress in the Restoration of
2 Competency Program?

3 A. Yes, sir. When -- when an antipsychotic is needed, the
4 -- the treatment of choice is to start at a lower level and
5 then titrate upward as appropriate and many times we've seen
6 some remarkable clearing of psychotic delusional thinking
7 with -- with Haldol and other similar medications.

8 Q. Doctor, I have your report in front of me dated
9 March 26th of 2020 and I'd like to ask you a question regarding
10 that report and specifically the Montreal Cognitive Assessment
11 Test.

12 You indicate in your report that Mr. Chase scored
13 a 29 correct out of the 30 possible. That test indicates
14 Mr. Chase has limited to no insight into the extent of his
15 serious mental illness.

16 Could you please explain these two sentences, how
17 someone like Mr. Chase could score so high, then at the same
18 time have no insight to the levels of his debilities and his
19 mental illness?

20 A. Absolutely. It's -- in Mr. Chase's case -- I'm sorry.
21 In -- in Mr. Chase's case with the paranoid delusions, his --
22 his cognitive processes are intact and so he would score high
23 on like an intelligence test. And the Montreal Cognitive
24 Assessment is -- is a commonly administered cognitive
25 assessment, intelligence assessment and so he scores high on

1 that.

2 The delusional psychosis is what interferes with
3 his ability to understand the legal proceedings pending and to
4 be able to assist his attorney. It is a delusional disorder
5 that interferes with his ability to assist the assigned
6 counselor. He becomes argumentative and simply wants to
7 discuss nuances of his case apparently and -- and so it -- it
8 interferes with his ability to function.

9 Q. And, doctor, have you created an individual restoration
10 plan for Mr. Chase?

11 A. That -- that was created by the social worker. I
12 believe Karen Block was the one that created the individualized
13 assessment, the individualized treatment plan. And that was
14 done -- let me see if I can get that right here. I'm at home
15 on my computer. There we go. So that was created by Ms. Block
16 on January 28th, 2020.

17 MR. RODRIGUEZ: Perfect. Thank you, Doctor
18 Stewart. I have no further questions for you.

19 THE COURT: All right. Ms. Szanto, cross-examine?

20
21 EXAMINATION

22 BY MS. SZANTO:

23 Q. Doctor Stewart, did you review the initial 60-day
24 report to the Court?

25 A. Say that again, please.

0:21

1 Q. Did you have a chance to review the initial 60-day
2 report to the Court?

3 A. Yes. I wrote that report.

4 Q. Thank you. Just as a preliminary matter, you noted
5 under summary of your evaluation that Doctor Karen Sullivan's
6 report was on March 28th of 2019.

7 That's not the correct date though; is it?

8 A. Let me look real quick here. The -- the date of
9 examination was 12-31-19. The date of her report was 1-8-2020.

10 Q. So that's not the correct date though; right?

11 MR. CHASE: None of that is correct.

12 THE WITNESS: I'm sorry?

13 BY MS. SZANTO:

14 Q. So that wasn't the correct date you had cited?

15 A. Yes, you're correct. It looks like the date cited was
16 3-28-18 -- or 3-28-19. Sorry.

17 Q. I just wanted to clear that up.

18 A. Yeah.

19 Q. You are not a prescribing physician?

20 A. I am not. I'm a psychologist.

21 * Q. Did you ensure that someone checks Mr. Chase's heart
22 function?

23 A. Again, that's Doctor Collins' testimony, the -- the
24 individual coming into the RTC Program is assessed with
25 laboratory and vitals. If there is an issue then that would be

1 the attending general physician which would be Leon Contalico
2 (phonetic).

3 Q. And how often did you meet with Mr. Chase?

4 A. I saw him once a week during his session with Doctor
5 Collins. I sat in on that.

6 Q. And did you -- did you explain any of the medications
7 to Mr. Chase?

8 A. I would never -- no, I would not do that. That's not
9 the function of a psychologist. If there is a medication to be
10 prescribed, then the prescribing physician or midlevel
11 prescriber would be the one to explain the medication. During
12 med pass if there's a question on medication the nurses are
13 equipped to respond to those questions as well.

14 Q. Would you say Haldol is a fairly commonly prescribed
15 medication in the RTC Program?

16 A. I don't understand the question.

17 *Q. Is Haldol a commonly prescribed medication in the RTC
18 Program?

19 A. Yes.

20 Q. ~~Why~~ why isn't some other medication prescribed instead?

21 A. If it's warranted they would be. Again, I -- I do not
22 prescribe medications.

23 We have an open formulary in the RTC Program so
24 whatever medication Doctor Collins decides upon that would be
25 appropriate, that medications prescribed. We have -- we have

1 no limitation on that.

2 Right now there is seven -- we have seven people
3 on Haldol.

4 Q. How many -- how many in the program --

5 A. I'm really having trouble hearing you.

6 MS. SZANTO: I'm sorry.

7 THE COURT: Ms. Szanto, you're a little muffled.

8 MS. SZANTO: Is this better?

9 THE COURT: Yes. Perfect.

10 BY MS. SZANTO:

11 Q. Okay. How many people are currently in the RTC
12 Program?

13 A. I think we have maybe 15 as of a couple weeks ago.

14 * Q. Are you familiar with any of the grievances Mr. Chase
15 has filed?

16 A. Yes.

17 Q. And isn't it true that those grievances are about not
18 being explained the side effects for these drugs?

19 A. That's one of the multiple complaints Mr. Chase has
20 stated.

21 Q. And what follow-up was taken in terms of addressing
22 those grievances?

23 A. I don't have it in front of me. Normally the process,
24 if it's a medication explanation, would be given to nursing
25 staff and they would explain medications during a med pass. If

16:54

1 there is an issue on medication, that can be addressed by
 2 Doctor Collins as well.

3 * Q. So basically the grievances are for more information on
 4 the drugs?

5 A. The grievances cover the waterfront, Ms. Szanto. He --
 6 he wants you, you know, not to be his attorney. He -- he has
 7 issues with being a vegan, ad infinitum.

8 * Q. Did you -- did you cause anyone to go and meet with him
 9 to explain the side effects of the medication with him?

10 A. No, ma'am.

11 * Q. Did you cause anyone to go be and meet with him to
 12 explain the -- the need for the medications to him?

13 A. I did not, no, ma'am.

14 Q. Did --

15 A. There is a lot of background noise, Ms. Szanto. I'm
 16 really having difficulty hearing.

17 MS. SZANTO: I'm actually waiting for it to pass.

18 THE WITNESS: Oh. Okay.

19 BY MS. SZANTO:

20 * Q. Did you go over the RTC Program guidelines with Mr.
 21 Chase?

22 A. I did not. That's -- when he is assigned a counselor,
 23 the counselor is responsible for doing that. However, someone
 24 as psychotic and delusional as Mr. Chase, they have to be
 25 stabilized on medication to begin with. Otherwise. Because

1 Mr. Chase has a tendency to become very argumentative about
2 things, that would not be in the -- an efficient or useful
3 process.

4 * Q. Do you know whether the program was in fact explained
5 by the -- by the therapist?

6 A. That would be -- that would be protocol, yes.

7 * Q. And did you personally witness that?

8 A. No, of course not.

9 MS. SZANTO: Okay. I have no further questions.

10 THE COURT: All right. Redirect, Mr. Rodriguez?

11 MR. RODRIGUEZ: Your Honor, I have no further
12 questions for Doctor Stewart.

13 THE COURT: All right. Mr. Chase --

14 MR. CHASE: Yes, sir.

15 THE COURT: -- any questions for Doctor Stewart?

16 MR. CHASE: Does he remember -- does he
17 remember --

18 THE COURT: Hold on.

19 MR. CHASE: Okay.

20 THE COURT: Mr. Chase, if you want to ask Doctor
21 Stewart some questions, I'll have you call Ms. Szanto again. I
22 don't -- I know this is awkward. I apologize for this. But
23 since nobody is to be together, I want you to be able to --

24 * MR. CHASE: He is a witness to Doctor Collins
25 calling me a schizophrenic and violating --

1 THE COURT: Mr. Chase --

2 *MR. CHASE: -- the civil rights claim.

3 THE COURT: Okay. Let me stop you there. So
4 let's do this: Could you call Ms. Szanto real quick? And
5 we'll take a five minute -- we'll try to do five minutes this
6 time if you can. If not, we'll do another 10 minutes. We have
7 some time. We're scheduled to go until 10:30. We'll be in --

8 MR. CHASE: We can do it in five.

9 THE COURT: We'll be in recess. Thank you, sir.

10 (A recess was taken.)

11 THE COURT: All right. We're back on the record
12 in State of Arizona versus Michael Willis Chase.

13 Parties, if you would just please announce for the
14 record.

15 MR. CHASE: Michael Chase.

16 MR. RODRIGUEZ: George Rodriguez on behalf of the
17 State.

18 MS. SZANTO: Ruth Szanto on behalf of Mr. Chase.

19 DOCTOR STEWART: This is Doctor Stewart.

20 THE COURT: All right. Thank you very much.

21 All right. Ms. Szanto, any follow on
22 cross-examination?

23 MS. SZANTO: No, Your Honor.

24 THE COURT: Okay. All right. Mr. Rodriguez, any
25 additional witnesses?

1 MR. RODRIGUEZ: No, Your Honor.

2 THE COURT: All right. Folks, if you want to take
3 a few minutes, starting with you, Mr. Rodriguez, and go ahead
4 and sum up the case for me, if you will. I don't know if you
5 have any additional evidence.

6 *Or, Ms. Szanto, did you want to present any
7 evidence on behalf of your client's behalf?

8 MS. SZANTO: No. Your Honor.

9 DOCTOR STEWART: This is Doctor Stewart. May I be
10 excused?

11 THE COURT: Well, I apologize. Anything further
12 for this witness?

13 MR. RODRIGUEZ: Nothing from the State, Your
14 Honor.

15 MS. SZANTO: No, Your Honor.

16 THE COURT: All right. May Doctor Stewart be
17 excused?

18 MR. RODRIGUEZ: Yes.

19 MS. SZANTO: Yes.

20 THE COURT: All right. Very well. Doctor
21 Stewart, thank you for your testimony, sir.

22 DOCTOR STEWART: Thank you, Your Honor.

23 THE COURT: All right. So back to you,
24 Ms. Szanto. Anything you want to offer on behalf of Mr. Chase.

25 MS. SZANTO: Yes, Judge. The only thing I'd like

1 to do is basically give a -- an argument on his behalf, but no
2 witnesses.

3 THE COURT: Okay. So we'll start -- we'll go in
4 our normal progression.

5 Mr. Rodriguez, it sounds like you've rested;
6 correct?

7 MR. RODRIGUEZ: Yes, Your Honor.

8 THE COURT: And Ms. Szanto just stated she has
9 nothing, so go ahead. And if you would, five, seven minutes
10 max your argument on each side, please.

11 We'll start with Mr. Rodriguez.

12 MR. RODRIGUEZ: Your Honor, first I'd like to ask
13 the Court to take judicial notice of its file. I'd like to ask
14 if the Court could take judicial notice of the Indictment, the
15 probable cause statement and the Grand Jury transcript and all
16 the other documents within the Court's file that bear on this
17 issue of forced medication as well and the type of crime that
18 Mr. Chase is being charged with and the reason is to show the
19 seriousness of the offense.

20 Albeit he's charged with only I believe it's a
21 Class 5 felony and so it's not the most serious of crimes.
22 However, what is important to know, and this is actually a
23 recent case -- recent case actually out of this court in Wolf,
24 a Division 1 case, Your Honor. Wolf was the defendant. I want
25 to say that case -- I have it in front of me.

1 That case was published and one of the things that
2 I would like the Court to look at and I found important in
3 looking at this case, it cites in looking at the seriousness of
4 the offense to see whether or not there's an important
5 governmental interest.

6 It talks about a case in which a defendant had
7 telephoned airport officials urging an evacuation on the eve of
8 a terrorism attack anniversary and the Court found that
9 constituted a serious criminal conduct and despite of the low
10 sentencing range because the call raises security, considerably
11 disrupted the airport activity, diverted law -- law enforcement
12 resources and created a need for deterrence.

13 And that is effectively what occurred somewhat.
14 Obviously a bank and an airport are two very different
15 institutions, but they are regular bank institutions within our
16 country and Mr. Chase did make comments inside of a bank, you
17 know, that were inappropriate, basically that he has bomb --

18 * MR. CHASE: Not true.

19 MR. RODRIGUEZ: -- and he disturbed others. It
20 required evacuation of the bank, emergency evacuation, as well
21 as a large law enforcement response and based upon case law and
22 the facts of this case it is -- the State does believe that is
23 an important governmental interest at stake here despite the
24 relatively low sentencing range.

25 It requires to -- the next prong is, you know,

1 this involuntary medication will significantly further the
2 state's interest which basically means that there's a
3 substantial likelihood that Mr. Chase will be restored to
4 competency and that the -- and that will have a very slight
5 significant (sic) upon him.

6 As indicated by Doctor Collins, he indicated that
7 there is -- in his professional opinion, if Mr. Chase were to
8 take the prescribed medication, that there is an 80 to 90
9 percent likelihood of success that he will be restored to
10 competency.

11 In addition, the side effects in regard to this,
12 first of all he testified that they start at a very low amount
13 and that they monitor Mr. Chase regularly. Then the side
14 effects -- we're really going to focus on the real side
15 effects. I don't want to be playing a guessing game with the
16 Court or with anyone thinking of worse case scenario.

17 He indicated one -- or monitoring Mr. Chase on a
18 regular basis as well as a very low likelihood worse case
19 scenario, so I don't think that should be an issue.

20 But what about really what we're dealing with?
21 what I heard was dry mouth, muscle aches and some type of bowel
22 issues. Your Honor, these are relatively minor medical issues
23 that Mr. Chase may have to deal with.

24 He will be monitored on a daily basis and ideally,
25 you know, they will take care of him, you know, if he has any

06:20

07:04

* Monitored Every Seven To Ten Days Of Record.

47

1 complaints of -- or any of these side effects and he
2 communicate that to the treating physicians and they will
3 provide him the necessary care he needs.

4 The issue also -- I'd also point out to the next
5 basic prong is basically this medication does not -- and these
6 side effects of this medication will not impair Mr. Chase's
7 ability to assist his counsel in his defense.

8 Also in regards to this medication is -- there is
9 no other measure that would be effective.

10 MR. CHASE: Two treatments.

11 MR. RODRIGUEZ: These medications are accepted by
12 the medical community and there is nothing else that would be
13 able to restore or assist Mr. Chase in gaining his competency
14 and so involuntarily medication is necessary to further the
15 State's interests.

16 And lastly, Judge, and just looking at these --
17 these prongs that are required by Doctor Collins as well as by
18 Doctor Stewart by the administration of these two drugs, Haldol
19 and Cogentin, are medically appropriate for Mr. Chase.

20 The dosages are, again, in small dosages. Really
21 doing any low dosage and the building up of dosages and the
22 daily monitoring of Mr. Chase really eliminates any type of
23 real threat or harm to him as they will be monitoring him on a
24 daily basis. There is really no fear -- very minimal fear of
25 harm to his health as he will be monitored on a very regular

9:06

1 basis by professionals whose job it is to monitor him.

2 I believe lastly, Your Honor, is just Mr. Chase
3 has refused to take these medication. He has refused to
4 cooperate with the RTC Program and as a result --

5 * MR. CHASE: Not true.

6 MR. RODRIGUEZ: -- as a result left the State and
7 this last option. So that being said, Your Honor, the State
8 would ask the Court to order forced medication in this case.
9 Thank you.

10 THE COURT: All right. Thank you. Ms. Szanto.

11 MS. SZANTO: Judge, so Sell orders are disfavored.
12 They have to be proven by clear and convincing evidence. This
13 is an intrusion in someone's bodily autonomy. Because of that
14 an important governmental issue has to be at stake in
15 prosecuting Mr. Chase. So the crime has to be sufficiently
16 serious to establish a government issue.

17 I agree with Mr. Rodriguez' characterization of
18 that case that he cited about the airport, but let's not forget
19 that that case is distinguishable because that was an airport.
20 It was on the eve of 911. It was a terrorist threat. That was
21 a very real threat.

22 Here Mr. -- it's alleged that Mr. Chase went into
23 the bank and he allegedly said he had a truth bomb. He didn't
24 have any -- he didn't have a bomb on him. He didn't know -- he
25 didn't try to go after someone or lay hands upon anyone.

10:26

11:14

1 There are some special circumstances here that
2 mitigate the -- that mitigate the seriousness of the crimes.
3 Specifically we -- we don't know what the -- how long it will
4 take. We don't have any kind of medical history for Mr. Chase
5 who, by the way, is almost 50 years old, so certainly there
6 should be some information somewhere.

7 We don't know whether he's just an irritable man.
8 Maybe there is -- maybe he just doesn't like us we don't know
9 for sure that this is a part of his -- you know, so-called
10 delusions that Doctor Collins testified to.

11 We -- he has been in jail for quite a bit of time
12 at this point and also, again, this is -- he has no criminal
13 history. I mean zero; none. I don't think he has any
14 misdemeanors. Certainly he has no felonies so he's never
15 popped up on anyone's radar until now.

16 Doctor Collins did testify that, you know,
17 certainly when folks get older it gets harder to restore folks.
18 which brings us to the second prong that this involuntary
19 medication will affect the State's interest. And we don't know
20 a hundred percent whether or not he will be restored. We -- we
21 don't know what kind of side effects there will be.

22 * All we have is we heard about blood tests, but
23 there's been no EKG or any other evaluation of Mr. Chase and
24 his heart function or anything like that. We don't know
25 whether he is allergic to any medication or particularly

12:40

3:34

* →
*
Blood
-k Done,

1 susceptible to anything, so we don't know whether he's taken
2 Haldol before.

3 And certainly that plan does have to take into
4 account his individualized factors. So the fact he is 48 years
5 old, he is going to be taking Haldol which is a -- a serious
6 drug with side effects, certainly some of these are unlikely,
7 but they could be permanent.

8 We -- we -- we have heard, you know, that most of
9 these -- these issues that Mr. Chase is bringing up with the
10 grievances and otherwise are really he wants to have the stuff
11 explained to him. You know, certainly that's reasonable. That
12 doesn't necessarily translate into him being paranoid. So
13 these grievances being described as paranoid, he says he wants
14 have this stuff explained to him.

15 So Doctor Collins he -- he did testify as to that.
16 We heard later from Doctor Stewart that he didn't cause anyone
17 to go explain these things to him and it sounded like Doctor
18 Stewart -- I'm sorry -- Doctor Collins, in the end he said that
19 he doesn't continuously explain the medication, although
20 certainly that's actually what Mr. Chase wants. He wants to
21 know what is going on. So he is trying to engage in the
22 program.

23 The involuntarily medication has to be necessary.
24 There has to be no less intrusive means so certainly we --
25 we -- we heard about some therapy that may have been offered,

4:54

15:40

1 but, again, we don't know enough about his mental health
2 history, we don't know whether or not this is something that
3 would have been helpful and doctor -- and it was testified to
4 that we're not sure whether different counselors would have
5 been offered to Mr. Chase.

6 Now, in terms of the last prong, the
7 administration of drugs has to be medically appropriate. It
8 has to be in light of the patient's best medical interests. We
9 have heard testimony about the amount of folks being on Haldol.

16:55

10 So we -- we don't have a lot of information about
11 his medical history, Mr. Chase that is. But we do know that it
12 seems to be -- Haldol seems to be a go-to medication. It
13 sounds like about half the folks in the RTC Program are on
14 Haldol which is a great concern to Mr. Chase who does want to
15 know about what he is being prescribed.

16 So we would ask that this Court not force the --
17 not forcibly medicate Mr. Chase. Thank you.

18 THE COURT: All right. Thank you very much.

17:34

19 All right. Folks, I'm going to take this under
20 advisement. I'll get back to you as soon as I can. I thank
21 everybody for your patience.

22 with nothing further, we are adjourned. Thank you
23 very much.

24 ~~MR. CHASE:~~ ~~YOUR HONOR,~~ I have orders of business.

25 THE COURT: I'm sorry. I'm sorry, sir.

1 MR. CHASE: Your Honor, this is Michael Chase. I
2 test out of the RTC Program tomorrow actually.

3 THE COURT: This --

4 MR. CHASE: And --

5 THE COURT: Mr. Chase, let me stop you there. I
6 think it's important that you talk to Ms. Szanto before you
7 talk about your case at all; okay?

8 MR. CHASE: Okay. I want to make sure that I do
9 not waive time, that I do not consent to waiving time on my
10 case.

11 And I do a motion for a Torres Hearing and I want
12 a stamped and dated transcript of this hearing before I leave
13 today and a motion for a Rule 7.4 reduced bail and release
14 conditions.

15 And also my five-page letter I'd like to submit to
16 you under Rules (sic) 16.4(b) and a cover letter and five-page
17 letter. Please read it. Thank you so much.

18 THE COURT: Okay. Submit all that stuff through
19 your attorney and we will take it from there. Thank you very
20 much, sir.

21 MR. CHASE: God bless.

22 * * *

C E R T I F I C A T E

STATE OF ARIZONA }
COUNTY OF YAVAPAI }

I, M. Lisa Edgar, certify that I am an Official Reporter for the Superior Court of Yavapai County, State of Arizona; that I was present and took down in shorthand all proceedings had in the above-entitled matter.

Pursuant to Supreme Court Administrative Orders and Yavapai County Administrative Orders in response to Covid-19, the foregoing proceedings were held utilizing the videoconferencing system Microsoft Teams and/or by telephonic means; therefore, this record is dependent on the clarity of such technology and has been reported to the best of my skill and ability and is a full, true and complete transcript of my notes so taken.

DATED at Camp Verde, Arizona, 18th day of June, 2021.

_____/s/_____
M. LISA EDGAR, RPR, CSR
Certified Reporter
Arizona Certificate Number 50273

ID

Male
08/20/2020 11:42:10

*Haldol Could
Have Killed
me*

QRS : 92 ms
QT / QTc : 404 / 383 ms
PR : 18 ms
P : 1110 ms
RR / PP : 1110 / 845 ms
P / QRS / T : -175 / 79 degrees

08/20/2020 11:42:10

54

g Ph

4739YAVAPI COUNTY DETENTION
DOCTOR CATTOLICO YAVAPI

08/20/2020 11:42:10

54 bpm

CHASE

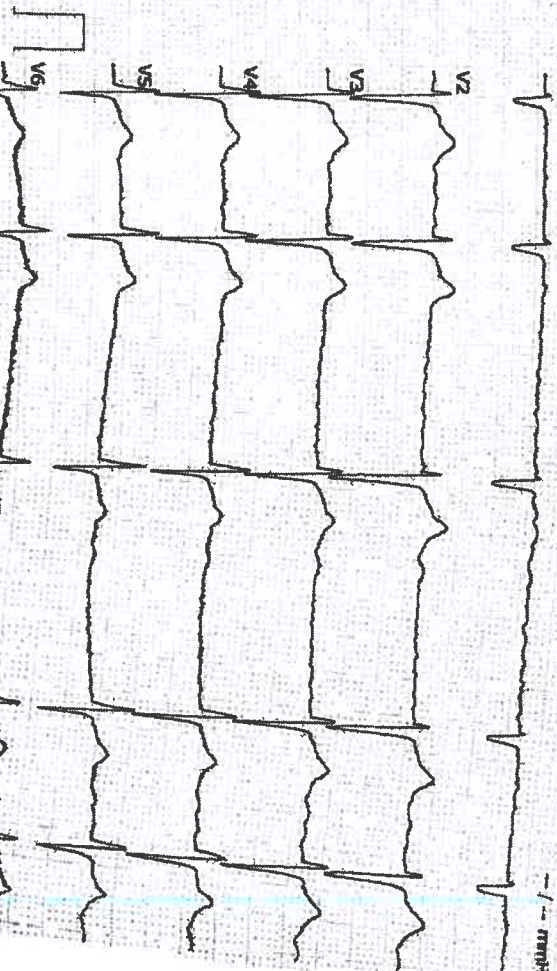
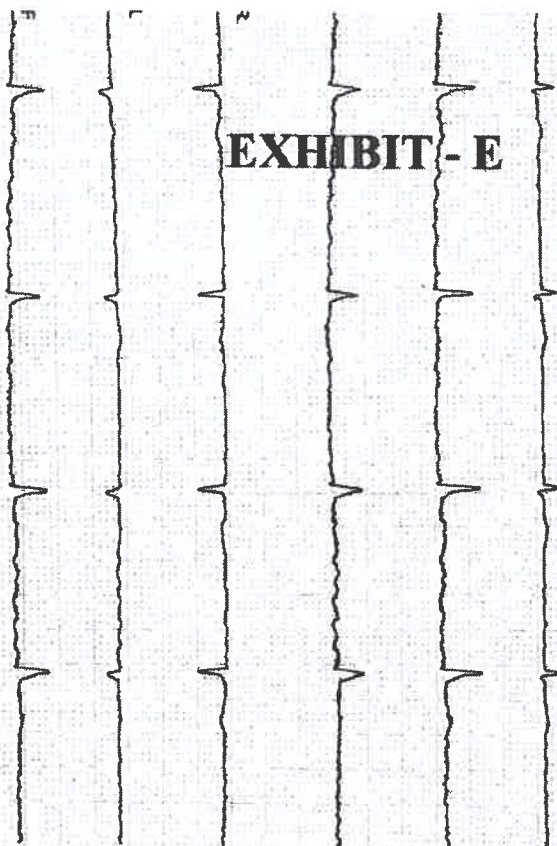
-/- mmHg

08/20/2020 11:42:10

54 bpm

-/- mmHg

EXHIBIT - E



1.26 12SL™ V239

25 mm/s 10 mm/mV

0.04-150 Hz 60 Hz 2556_25

1/4

GE MAC

1.26 12SL™ V239

25 mm/s 10 mm/mV

0.04-150 Hz 60 Hz 2556_25

CNS ICS RESULTS

7/4

Michael Chase Making Threats To Marissa Luhman's Father

Michael Chase Saying Marissa Luhman Is A Devil Worshiper

Michael Chase Causing Big Scene During Service At Synagogue, Asked Him
• Stop, So They Kicked Him Out.

Michael Chase Did NOT Like Freemasons

Truth Of The Matter: I, Michael Willis Chase,

Do NOT Do Drugs, And Do Not Drink Alcohol.

Never Disturbed Synagogue, Never Claimed To Be Messiah At Synagogue

Never Dated, Never Kissed Marissa Luhman, She Is Married To Freemason.

Always Polite To Marissa Luhman's Father.

Never Called Marissa Luhman A Devil Worshiper.

Was Assaulted At Synagogue By Elder "Joe" (Witness June). Email

to Sedona Police Department (Officer Butler), And Officer Butler

Pressed Abuse To I (Michael) From Synagogue Member (Woman).

Has Freemason Friends As Samuel Harris (Served In Navy) On

Facebook, And Does Not Dislike Anyone.

Military Background

Freemasons Worship Lucifer (Devil, Satan). I AM PUBLIC, AND SOCIAL

EDIA RENOUNCED FREEMASON, AS OF DECEMBER 7th 2018 (Rogue For

ten Years). Ocean Lodge #0405 Morehead City, North Carolina (Military)

'ONLY GOD CAN MAKE YOU A BETTER PERSON.'

Thing To Do With Case, Personal Notary

23 And Me DNA Test Results Are Neanderthal (310 Variants Out Of 310)

• Jewish, And Undetermined, Email With Case Number Published On

Facebook, 23 And Me Says Undetermined DNA Is Non-human.

Admitted Guilt Of Evidence, Comments Are Dismissed

Derek Oster Has Admitted To Knowledge And Photos Of Checks #133, #177. Why Am I Still In

111 111

MICHAEL WILLIS CHASE
Jan. 7th 2020 (5780)

MICHAEL WILLIS CHASE
Jan. 7th 2020 (5780)

MICHAEL WILLIS CHASE
Jan. 7th 2020 (5780)

MICHAEL WILLIS CHASE

Michael Willis Chase
-MICHAEL WILLIS CHASE 1/10/2020 (5780)

I (Michael Willis Chase) Am Filing ~~3~~ ^{(4) Four} ~~Three~~ Civil Cases Within Yavapai Jail.

Michael Willis Chase
JAN 7th 2020/5780

State of Arizona County of Yavapai
The foregoing instrument was acknowledged before
me this 10th day of January, 2020.
by MICHAEL W. CHASE
Ann Marie Sargent Notary Public
My Commission Expires 2023



Send Copies Back To Michael Willis Chase Q-9
Yavapai County Jail
2830 N. Commonwealth Dr #105
Camp Verde, AZ 86322

KENNEDY C. KLAGGE
YAVAPAI COUNTY PUBLIC DEFENDER
2830 N. Commonwealth Drive, Suite 101
Camp Verde, AZ 86322
Phone Number (928) 567-7758
Fax Number
E-Mail: YavapaiCounty.PublicDefender@yavapai.us
Ruth Szanto State Bar Number 029073
ATTORNEY FOR THE DEFENDANT

EXHIBIT - F

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2020 JAN 27 PM 3:20 ✓

DONNA McQUALITY, CLERK

BY: P. LESTER

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA, Plaintiff,) V1300CR201980661
)
vs.) MOTION TO MODIFY RELEASE
) CONDITIONS
)
MICHAEL WILLIS CHASE, Defendant.) Superior Court Division 7
)

Through undersigned counsel, the Defendant moves the court to modify release conditions. Ariz.R.Crim.Proc. 7.2(a)¹ The Defendant requests own recognizance release, or, in the alternative, release to pre-trial services. If this Court denies the above modifications, the Defendant requests the bond be reduced.

Law and Argument

Article 2, Section 15 of the Arizona constitution prohibit excessive bail, mandating simply but effectively that "[e]xcessive bail shall not be required[.]" The Arizona Constitution further requires that "[a]ll persons charged with crime shall be bailable by sufficient sureties," except for certain enumerated crimes not relevant to this case. Ariz.

¹ Rule 7.2(a) Right to release: Any person charged with an offense bailable as a matter of right shall be released pending or during trial on the person's own recognizance, unless the court determines, in its discretion, that such a release will not reasonably assure the person's appearance as required. If such a determination is made, the court may impose the least onerous conditions ... which will reasonably assure the person(s) appearance.

Const., Art 2, §. 22(A).

A defendant in custody may move a court to re-examine her conditions of release. Ariz. R. Crim. Proc. 7.4(b). Re-examination is available when a defendant's case is transferred to a different court or a defendant alleges that she failed to present material facts to a court at a previous hearing on his release conditions. *Id.* Even if a case is currently undergoing Rule 11 proceedings, this does not mean that Mr. Chase cannot ask to modify his release conditions. Ariz. R. Crim. Proc. 11.3(b); ARS § 13-4507(C).

A court should release a defendant awaiting trial on his own recognizance, unless the court determines that such a release will not assure his appearance at trial or other proceedings. Ariz. R. Crim. Proc. 7.2(a). In reaching a decision, a court shall take into account the nature and circumstances of the offense, the weight of the evidence, family ties, employment, financial resources, character, mental condition, length of residence in the community, criminal records, and history of appearances for court proceedings. ARS § 13-3967(B); *Gusick v. Boise*, 72 Ariz. 233, 233 P.2d 446 (1951). If a court determines conditions of release are necessary, Arizona Law has a preference for imposing the least onerous conditions to assure appearance. Ariz. R. Crim. Proc. 7.2(a) and 7.3(b). If the court imposes a bond, it shall not be excessive. Ariz. Const. Art. II, § 15., *Gusick*, at 233, 233 P.2d 446. Indeed, in May of 2016, the Arizona Supreme Court issued Administrative Order 2016-16 which explicitly states "[p]eople should not be jailed pending the disposition of charges merely because they are poor." In Arizona, bail is required for the sole purpose of securing attending in court and any bail fixed at more than is necessary for that sole purpose is deemed excessive and oppressive. *Gusick*, 72 Ariz. 309, 234 P.2d 430; *State v. Cassius*, 110 Ariz. 485, 520 P.2d 840 (1976); *State v. Marlin*, 5 Ariz. App. 524, 428 P.2d 699 (1967). The

Gusick court noted that the determination of the amount of bail must be done in light of the constitutional prohibition against excessive bail and that "in fixing the amount of bail the innocence of the accused is presumed." *Id.* at 236. Excessive bail cannot be required to prevent the defendant from being released or to punish the defendant. *Id.* Here, bail is set at \$500,000. Mr. Chase cannot afford to pay that amount, making it excessive for him. Mr. Chase requests that he be released on his own recognizance.

A person seeking a reduction in bond prior to conviction is presumed innocent. *Marlin*, 5 Ariz. App. 524, 428 P.2d 699; *In re Haigler*, 15 Ariz. 150, 153, 137 P. 423, 425 (1913). Given the presumption of innocence and the presumption in favor of bail, the defendant must be given a hearing in order to afford the defendant due process. *State ex rel. Romney v. Rayes*, 206 Ariz. 58, 61 ¶ 1, 75 P.3d 148, 151 (App. 2003). Thus, defendant requests a reduction in the bond, if he is not released on his own recognizance.

The Court, per ARS § 13-3967(B), shall take several factors into consideration when determining the method of release. The Court will consider the views of the victim. It is unknown what the view of the victims are. The nature and circumstances of the offense charged. Here, Mr. Chase is charged with Misconduct Involving Simulated Explosive Devices, Criminal Damage, False Reporting, Resisting Arrest, Disorderly Conduct (8 counts), and Assault. Mr. Chase does not have any prior convictions of any kind and he has no prior convictions for a serious offense or violent or aggravated felony as defined in section 13-706 or an offense in another state that would be a serious offense or violent or aggravated felony as defined in section 13-706 if committed in this state. This is not a domestic violence charge and there are no allegations of drug use, illegal or otherwise. Mr. Chase is a veteran and a United States citizen. His PSA scores are 1 on


both scales and he has never failed to appear for any proceeding. Mr. Chase has lived in Arizona since 2019 and he rents premises, where he lives with his cat.

Conclusion

Mr. Chase requests that he be released on his own recognizance or to pre-trial services. Mr. Chase has ties to the community and wishes to return to his rental home. In the alternative, Mr. Chase requests that this Court reduce his bond.

RESPECTFULLY SUBMITTED this 27 day of January, 2020.

YAVAPAI COUNTY PUBLIC DEFENDER

By: 
Ruth Szanto
Deputy Public Defender
Attorney for the Defendant

Copies of the foregoing hand-delivered this date to:

Hon. Michael R. Bluff, Judge of Superior Court
Assigned Deputy County Attorney

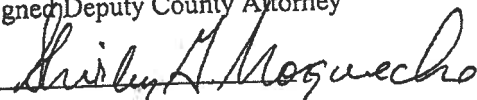

By: 

EXHIBIT - F

Judge Michael Bluff,

I Have Written A Request To Supervising Attorney And Kennedy Klagge
To Submit Order To You, To Assign "Nathan Best" As New Public Defender For I
Michael Willis Chase) Case: V1300CR201980661. Thus, Dismissing Ruth Szanto
Duties (Or Lack Of), February 25, 2020.

Ruth Szanto Has Sabotaged Chance To Go To Trial From First Order
Rule 11 (December 9, 2019), Then Ruth Szanto Did Nothing To Modify Order
11.4 Of Dr. Sullivan's Bias Report (January 15, 2020), I (Michael Willis Chase)
Responded With Letter To You, To Modify Rule 11.4 On January 15, 2020 (Only
Three Days To Do So). I Am Forced Into R.T.C Program, I Am Competent Of Law.
Also, I Had To Ask You (Not Ruth Szanto) To Apply Rule 8,
And To Modify Bail/Release Conditions (On Or About January 21, 2020).
Ruth Szanto Has Done Nothing (Not Submitted, Nor Objected) Anything
In My Behalf In A Timely Fashion, Violating 6th, 8th, 14th Amendment
Rights. I Have Reported Ruth Szanto To "The State Bar Of Arizona", And I
Have Filed A "Civil Rights Complaint By Prisoner" (Form 550/555) Against
Ruth Szanto, Making Herself A Liability To Public Defenders Office.
Ruth Szanto Has Said "She Is Sorry," And That It She Is (Sorry)
#NathanBest

Respectfully Submitted  2/28/2020
- Michael Willis Chase, Defendant.

Along With This Letter Is Cover Letter And ~~Six~~ Page Letter, Reflecting Case (Rule 11.4B).

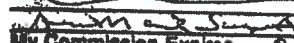
State of Arizona County of Yavapai
The foregoing instrument was acknowledged before
me this 28th day of February, 2020.
by MICHAEL WILLIS CHASE

Notary Public
My Commission Expires 03-04-2023



EXHIBIT - F

SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA, Plaintiff, -vs- MICHAEL WILLIS CHASE, Defendant.	Case No. V1300CR201980661 RULING DENYING REQUEST FOR TORRES HEARING	FILED DATE: <u>5-14-2020</u> <u>2:18</u> O'Clock <u> </u> P.M. DONNA MCQUALITY, CLERK BY: <u>Rhondi HAGEN</u> Deputy
--	---	--

HONORABLE MICHAEL R. BLUFF DIVISION 7	BY: Dianne Jordahl Judicial Assistant DATE: May 14, 2020
--	--

This matter has recently been reassigned to this Division for all further proceedings.

Defendant is in the Restoration to Competency program at the Yavapai County Detention Center in Camp Verde after this court determined he was not competent but restorable. Following a Sell hearing on April 14, 2020, the Court made the necessary findings to conclude Defendant should be involuntarily medicated. Defendant remains in the RTC program as of this date.

On April 24th Defendant filed a Pro Se *Motion for Change of Counsel (Torres Hearing Requested)*. His court appointed counsel, Ms. Szanto also filed a *Request for Torres Hearing* several days later.

Counsel's request for a hearing was filed at Defendant's request and at this time, the Court finds he is not competent to decide whether he has an irreconcilable conflict with his court appointed attorney. Therefore, **IT IS ORDERED** both *Motions* are DENIED without prejudice.

The Court will set another Rule 11 Status Conference upon receipt of the final report from the RTC program.

cc: George Rodriguez, Deputy County Attorney (e)
Ruth Szanto, Deputy Public Defender (e)
VS (e)

EXHIBIT - F

SUPERIOR COURT, STATE OF ARIZONA, IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA, Plaintiff, -VS- MICHAEL WILLIS CHASE, Defendant.	Case No. V1300CR201980661 RULING DENYING MOTION TO MODIFY RELEASE CONDITIONS	FILED JUL 13 2020 DATE: <u>2:00</u> O'Clock <u>P.</u> M. DONNA MCQUALITY, CLERK BY: <u>J. HARSHMAN</u> Deputy
--	--	---

HONORABLE MICHAEL R. BLUFF DIVISION 7	BY: Dianne Jordahl Judicial Assistant DATE: July 13, 2020
--	---

For the second time Defendant seeks modification of his release conditions. The original Motion was filed in January 2020 and the Court denied the Motion on February 27, 2020. Defendant argues that because the original Motion was presented to the Honorable Judge Kottke in Division Pro Tem B, that the reassignment to this Division constitutes a change in circumstances. The Court disagrees.

Rule 7.4(c)(1) allows a defendant's release conditions to be reexamined if the case is transferred to another court or there are material facts not previously presented to the Court. Here, a change in division assignment is not a change in the court. Both divisions are within the Yavapai County Superior Court. Also, the fact that Defendant may be finishing his time within the RTC program does not constitute a new material fact.

IT IS ORDERED Defendant's *Motion* is **DENIED**.

cc: George Rodriguez, Deputy County Attorney (e)
Ruth Szanto, Deputy Public Defender (e)
VS (e)

State of Arizona
VS
Michael Willis Chase

EXHIBIT - F

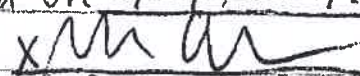
CASE NO. V1300CR201980661


Motion for Change of Counsel
(Torres Hearing Requested)


Honorable Judge Michael Bluff
And/or Honorable Judge Christopher Kottke

The Defendant appearing here in writing by and through himself has an irreconcilable conflict with his court appointed attorney Ruth Szanto. The Defendant is facing multiple felony charges. The Defendant desperately needs the help but has absolutely zero faith in his court appointed attorney Ruth Szanto. In her actions to date the defendant has been forced into Rule 11 to delay his speedy trial! The defendant has shown no signs of incompetence and does not belong in RTE program. The defendant believes he is competent to stand trial and has shown this to Ruth Szanto and she has ignored the defendant. The defendant did respond in a timely manner to Rule 11.4 to Modify Report and that was oppressed by Ruth Szanto. Copy of said Report was sent to Commission on Judicial Conduct on January 21, 2020 case #20-001. Defendant also asked for modification of Release Conditions pursuant to Rule 7.2 orally and sent Ruth Szanto letter stating Defendants reasons for Modification of Release conditions and was ignored and oppressed by Ruth Szanto. The defendant has a constitutional right to adequate counsel in accordance with the 6th and 14th Amendments of the United States Constitution Article 2 Section 24 in accordance with State Vs Torres Ariz 52,53912 P.3d 142,143 (App 2003) State V Moody 192 Ariz 52,539123,96^A 578 (1998) (Emphasis Added) "Concluding that [Failure to hold hearing on an allegation of fundamental constitutional violation is Reversible Error]" The Defendant...

Respectfully requests a Toros hearing to remove and replace his said counsel Court Appointed Attorney Ruth Szanto for the following Reason: For Delaying defendants Speedy Trial Pursuant to Rule 8, Falsely holding defendant incompetent to stand Trial, for being Prejudice of defendants appearance, Has done nothing in defendants favor, Nothing in imdy fashion for Speedy Trial, Refusing to meet with defendant and discuss case, Ruth Szanto of the Yavapai County Public Defenders office has completely ignored defendants Plea of innocence, Thus breaking and shattering his confidence completely, disgracing the Constitution of the United States of America and our Bill of rights. Michael Willis Chase swore to Defend against all enemies foreign and domestic so help me god, and paid the price through his own Blood. Successfully served in the United States Navy Ensuring liberty and Justice for all! Giving every citizen of this country our right to breathe! Defended the U.S. Constitution and Will not be treaded upon. There has been a fundamental with defendants right to counsel. If one bleeds for our Rights as american citizens those rights should never be denied by any including self pursuant to Rule 2 Appointment of counsel for indigent defendants. As well as State Vs [unclear] and State Vs Moody give specific and irrefutable case law to the protection of said rights. Respectfully Submitted on ~~3/13/2020~~ ^{MC} 3/12/2020


Defendant - Michael Willis Chase

State of Arizona County of Yavapai
The foregoing instrument was acknowledged before me this 12 day of March, 2020
by Dennice Guest

Notary Public
My Commission Expires 12.26.2020

 **DENNICE GUEST**
Notary Public - Arizona
YAVAPAI COUNTY
Commission # 578278
Expires December 26, 2022

WTD
EXHIBIT - F

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

✓	FILED
DATE: 9/10/2020	
5	O'Clock P.M.
Donna McQuality, Clerk	
BY: m Jones	
Deputy	

DIVISION 7

DONNA MCQUALITY, CLERK

HON. MICHAEL R. BLUFF

BY: Megan Jones, Deputy Clerk

CASE NO. V1300CR201980661

DATE: September 10, 2020

TITLE:

COUNSEL:

STATE OF ARIZONA

George Rodriguez

(Plaintiff)

Yavapai County Attorney (e)

v.

(Counsel for Plaintiff)

MICHAEL WILLIS CHASE,
(Defendant)

Dennis Bayless(e)

(Counsel for Defendant)

AMENDED MINUTE ENTRY

The Clerk being advised of a clerical error on the Minute Entry dated August 31, 2020,

The minute entry is amended to reflect Setting a Hearing on Release Conditions on September 14, 2020 at 4:00 p.m. in Division 7.

The balance of the minute entry shall remain in full force and effect.

cc: VVS(e)
Div 7(e)
YCSO DETENTION(e)

EXHIBIT - G

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

vs.

MICHAEL WILLIS CHASE,

Defendant.

YAVAPAI COUNTY SUPERIOR COURT
CASE NUMBER: V1300CR201980661

BEFORE: THE HONORABLE MICHAEL R. BLUFF
JUDGE OF THE SUPERIOR COURT, DIVISION SEVEN
REPORTER'S TRANSCRIPT OF PROCEEDINGS
HEARING ON RELEASE CONDITIONS

Camp Verde, Arizona
September 14, 2020
1:46 o'clock p.m.

PREPARED BY:

M. LISA EDGAR, R.P.R., C.P.
ARIZONA CERTIFIED REPORTER
ARIZONA C.S.R. NUMBER 50273

PREPARED FOR:

MR. MICHAEL W. CHASE

COPY

1 APPEARANCES:

2 For the State:

MR. GEORGE RODRIGUEZ,
Deputy County Attorney,

3
4 For the Defendant:

MR. DENNIS BAYLESS,
Attorney at Law,

5 Also present:

MS. KELLY JONES,
Yavapai County Victim Services.

6
7
8 Camp Verde, Arizona
September 14, 2019
1:46 o'clock p.m.
9
10

11 (Pursuant to Supreme Court Administrative Orders
12 and Yavapai County Administrative Orders in response to
13 Covid-19, the following proceedings were held utilizing the
14 videoconferencing system Microsoft Teams and/or by telephonic
15 means.)
16

17 T R A N S C R I P T O F P R O C E E D I N G S
18

19 THE COURT: State of Arizona versus Michael Willis
20 Chase, V13002019806611. Mr. Chase is present in custody.
21 Mr. Bayless is present on his behalf.

22 And, Mr. Rodriguez, you are appearing now?

23 MR. RODRIGUEZ: Your Honor, this has always been
24 assigned as my case.

25 THE COURT: All right. That sounds fine.

1 Okay. We're set today for a modification of
2 release conditions. I will note that this is the third time
3 there's been a request to modify release conditions and I guess
4 I set the matter today because I -- I assume that there was a
5 plea offer that was probation available that might be the
6 reason why reconsideration of release conditions might be
7 appropriate.

8 So, Mr. Bayless, I'll let you go ahead and get
9 started.

10 MR. BAYLESS: Certainly that's one of the biggest
11 reasons, Your Honor. The -- the State is not looking to put
12 Mr. Chase into the Department of Corrections. The other is --
13 and I was not aware that there had been other hearings for
14 release modifications. Anyway -- and his PSA is a 1 1.

15 There's no need to keep Mr. Chase in the Yavapai
16 County Jail any longer. He's not shown himself ever to be a
17 flight risk and he's -- he's got things he needs to get done.

18 THE COURT: Where would he -- where would
19 Mr. Chase --

20 MR. BAYLESS: I'm sorry.

21 THE COURT: -- reside if he was released?

22 MR. BAYLESS: His plan is to go back to Sedona
23 and he'll have to rent a new apartment. The one he was living
24 in, his lease has expired so he has -- he will have to get a
25 new address or new apartment to -- to live in. He has the

1 ability to find some place and the wherewithal to pay for it,
2 so...

3 THE COURT: Mr. Rodriguez, did you want to address
4 the Court?

5 MR. RODRIGUEZ: We -- Your Honor, Your Honor, as
6 the Court indicated there is a probation-available plea out
7 there as I kind of said in some of the past hearings. I'm
8 trying to get that plea agreement out to Mr. Chase because it
9 would give him the opportunity to get out of custody.

10 It is a probation-available plea. He would be
11 able to walk away from this incident with a misdemeanor if he
12 is successful on probation.

13 So, Your Honor, in speaking with the multiple
14 victims in this case, they are all generally opposed to his
15 release. There is a -- at the conclusion of -- of my remarks I
16 believe there may be a victim present who may want to address
17 the Court. But by and large the victims do not want Mr. Chase
18 released. This was a somewhat traumatic event for many of
19 them. Many of them were bank employees.

20 In addition, if the Court does authorize the
21 release of Mr. Chase, the State would request he have no
22 contact with the victims. He is not welcome at the Chase Bank
23 in the village of Oak Creek where this incident occurred, so we
24 ask that he be trespassed from that location.

25 I will ask -- I know Ms. Jones is on the line, but

1 I will see if the victim -- I'm referring to Mr. Steve Moss.
2 Mr. Moss is available and would like to address the Court if he
3 could say something.

4 THE COURT: Mr. Moss. Ms. Jones, is there anyone
5 who wants to address the Court?

6 MS. JONES: Your Honor, I -- I don't know if he
7 wants to address the Court. He may just want to listen to the
8 hearing if he is on -- on the line, so -- but Mr. Rodriguez has
9 let the Court know there are victims that are definitely
10 concerned about him being released and returning back to the
11 Chase Bank or contacting any of the listed victims. Thank you.

12 THE COURT: And let me ask this: Is the -- is the
13 request not to return to the Chase Bank in the Village of Oak
14 Creek or any Chase Bank?

15 MS. JONES: Your Honor, it's my understanding in
16 speaking with the bank, it's the bank. He has been basically
17 trespassed from all of the Chase Banks and that's what I
18 understand from just the bank itself. I don't have any
19 confirmation of that, but that's my understanding, that he is
20 not welcome at any of the Chase Banks.

21 THE COURT: Okay. Mr. Bayless, I know that you're
22 new to this case and I think I made my disclosure previously
23 about the fact that my wife works for Chase and did work for
24 Chase at the time of this incident although she was not one of
25 the listed victims.

1 I make that statement to you now because I don't
2 know whether or not that is something that you and Mr. Chase
3 want to talk about to decide whether or not the Court should
4 recuse itself. I know that I have made that disclosure to
5 Mr. Chase's original attorney and maybe his second attorney.
6 You, I think, are the third.

7 So you now have that information and if you think
8 that there's a basis for, you know, requesting a motion for
9 change of judge for cause, you know, you now have I think it's
10 20 days to make that -- file that motion. But I think Mr.
11 Chase was already aware of that.

12 The other thing --

13 MR. Chase: I wasn't, Your Honor.

14 THE COURT: -- so based on that, you know, I've
15 got concerns about ruling on it.

16 Mr. Bayless, you were not aware of that; right?

17 MR. BAYLESS: That's right. I was not aware of
18 that, Your Honor.

19 THE COURT: Okay. Okay.

20 MR. BAYLESS: Also, you know, things have changed,
21 have to be since the previous hearing. There's been a
22 restoration to competency for Mr. Chase. I think it's a given
23 that he doesn't have any contact with any of the listed victims
24 or go back to his bank or any other --

25 THE COURT: Right.

1 MR. BAYLESS: -- bank. I don't think he has any
2 intention to do that.

3 THE COURT: Right. But do --

4 MR. BAYLESS: I'm sorry.

5 THE COURT: No. I interrupted you. I'm sorry,
6 Mr. Bayless.

7 MR. BAYLESS: You know, and I understand that the
8 victims get to have input, but I think at some point if, you
9 know, we entered into a plea agreement today Mr. Chase would be
10 released.

11 THE COURT: Right.

12 MR. BAYLESS: So just to hold him because we want
13 to hold him I think that's beyond the pale, so to speak. I
14 think he's entitled to due process and I'd ask the Court to --
15 to release him to Pretrial Services.

16 THE COURT: I understand. I understand your
17 argument. I understand the fact that his PSA scores are low
18 and it's a probation-available plea.

19 Mr. Chase, are you telling me -- I'm just to going
20 ask you a direct question. You were not aware that a family
21 member of mine works at Chase?

22 MR. CHASE: I was unaware.

23 THE COURT: All right. That may have been
24 disclosed to you at the time when the issue concerning your
25 competency was still a question.

1 MR. CHASE: I understand that.

2 THE COURT: Anything else from the State?

3 MR. RODRIGUEZ: Just, Your Honor, once again, that
4 there's a plea agreement out there so the State would ask this
5 Court for the next hearing, that it be set for a
6 Donald/Settlement Conference or possible change of plea. Thank
7 you.

8 THE COURT: And when could we set that, how
9 quickly?

10 MR. RODRIGUEZ: As soon as possible. I have been
11 wanting to set it myself weeks ago. So as soon as possible.

12 THE COURT: So can it be set later this week if
13 the plea is available?

14 MR. BAYLESS: No, Your Honor. I'm new to the
15 case. There is a lot of disclosure that has not been made in
16 this case.

17 THE COURT: Okay.

18 MR. BAYLESS: And I know it's one of the older
19 cases. It's been going on almost a year and I know there
20 was -- there was the issue of Rule 11 and things don't get done
21 until there was restoration to competency.

22 THE COURT: Okay.

23 MR. BAYLESS: But I don't feel that I can advise
24 my client without getting the disclosure.

25 THE COURT: Okay. All right. I'm going to -- I'm

1 not going to make a decision today. I wish I could, but I'm
2 concerned about -- I'm concerned about whether or not the Court
3 should recuse itself in this case and I'll make that decision
4 later today.

5 So for now I'm going to confirm the existing
6 release conditions. I'm going to set this case for a hearing
7 this week so we can get some -- get it either reassigned to
8 another division if I have to recuse or modify the release
9 conditions.

10 Mr. Bayless, do you have time on Wednesday, the
11 16th, at 10:00 o'clock?

12 MR. BAYLESS: I do, Your Honor. At 10:00 o'clock?

13 THE COURT: Yes, sir.

14 MR. BAYLESS: Is that what you said?

15 MS. JONES: Your Honor, there are a number of
16 victims in the case that we -- we would at least like to have
17 the normal five-day notice to be able to notify the victims in
18 the case of the hearing.

19 THE COURT: Well, the hearing was today and I have
20 taken all this, you know, into consideration. Today was the
21 time for the victims to -- to provide input.

22 So I'm not setting this for a hearing for me to
23 reconsider what I'm going to do. I'm setting the hearing to
24 either release him or confirm the existing conditions so I'm
25 not going to take any additional input at the hearing on

1 September 16th.

2 I'm just trying to decided between now and then
3 whether or not I'm going to grant the request or modify his
4 release condition in some way or -- or deny the request. So
5 I'm just trying to do so that so that if I change his release
6 conditions they can be done quickly.

7 So I'm not going to take any additional -- any
8 additional input at that hearing on wednesday. I don't think I
9 need to. That was for today.

10 So I'm going to set a hearing on release
11 conditions on wednesday, September 16th at 10:00 o'clock. At
12 that time I will either deny the request or I will grant the
13 modification.

14 Okay. Anything else from the State?

15 MR. RODRIGUEZ: No, Your Honor. Thank you.

16 THE COURT: Ms. Jones, thank you very much. I
17 appreciate you having the victims on the line.

18 MS. JONES: Thank you, Your Honor.

19 MR. Chase: Thank you.

20 MR. BAYLESS: Thank you.

21 THE COURT: Thank you.

22

23

24

25

* * *

C E R T I F I C A T E

STATE OF ARIZONA }
COUNTY OF YAVAPAI }

I, M. Lisa Edgar, certify that I am an Official Reporter for the Superior Court of Yavapai County, State of Arizona; that I was present and took down in shorthand all proceedings had in the above-entitled matter.

Pursuant to Supreme Court Administrative Orders and Yavapai County Administrative Orders in response to Covid-19, the foregoing proceedings were held utilizing the videoconferencing system Microsoft Teams and/or by telephonic means; therefore, this record is dependent on the clarity of such technology and has been reported to the best of my skill and ability and is a full, true and complete transcript of my notes so taken.

DATED at Camp Verde, Arizona, 18th day of June, 2021.

_____/s/_____
M. LISA EDGAR, RPR, CSR
Certified Reporter
Arizona Certificate Number 50273

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 **EXHIBIT - H**
3 FOR THE COUNTY OF YAVAPAI

4 STATE OF ARIZONA,)

5 Plaintiff,)

6 vs.)

Case No. V1300CR201980661

7 MICHAEL WILLIS CHASE,)

8 Defendant.)
9

10
11
12
13
14 REPORTER'S TRANSCRIPT OF PROCEEDINGS
15 BEFORE THE HONORABLE JOHN D. NAPPER

16 TIME SET FOR SENTENCING

17 MAY 24, 2021

18 Prescott, Arizona
19
20
21
22

23 **COPY**

24 REPORTED BY
25 MINA G. HUNT
AZ CR NO. 50619

Mina G. Hunt (928) 777-3095

1 APPEARANCES OF COUNSEL:

2 For the Plaintiff:

3 YAVAPAI COUNTY ATTORNEY'S OFFICE
4 BY: GLEN M. ASAY, ATTORNEY

5
6 For the Defendant:

7 YAVAPAI COUNTY PUBLIC DEFENDER'S OFFICE
8 BY: NATHAN R. BEST, ATTORNEY

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Proceedings had before the Honorable JOHN D.
2 NAPPER, taken on Monday, May 24, 2021, at Yavapai
3 County Superior Court, Division 2, 120 South Cortez,
4 Prescott, Arizona, before Mina G. Hunt, Certified
5 Reporter within and for the State of Arizona.

P R O C E E D I N G S

THE COURT: We are here in V1300CR201980661 in State of Arizona versus Michael Chase. Mr. Chase is present with counsel, Mr. Best. I have Mr. Asay here on behalf of the state. This is the time set for sentencing. I believe the parties waived a presentence report in this case.

Is that correct, Mr. Best?

MR. BEST: Yes, Your Honor.

THE COURT: Mr. Asay, is that correct, sir?

MR. ASAY: Yes, Your Honor.

THE COURT: Any legal cause, Mr. Best?

MR. BEST: Your Honor, may I, first of all, remain seated while I address the Court?

THE COURT: Yes.

MR. BEST: Your Honor, this is a case where there may be cause. I've discussed briefly the case with the defendant both by email and over the phone.

One of the first things that I was told by the defendant -- I don't think I'm breaking any confidentiality rules in stating this. But he wanted to seek Rule 32 and Rule 33 relief in this case.

So my first question was why don't we try to withdraw from the plea agreement because his statement was that he was coerced into entering into the plea

1 agreement.

2 If that is true, then I think we could not
3 move forward to sentencing today. But I've asked him
4 if that's what he'd like to do, and I haven't gotten a
5 straight answer as to whether he'd like me to file a
6 motion to withdraw from the plea agreement.

7 So at this point I don't feel comfortable
8 moving forward with sentencing. But I think the
9 defendant needs to make a decision as to whether he
10 wants to move forward or he wants to seek to withdraw
11 from the plea agreement.

12 THE COURT: Okay.

13 Mr. Chase, right now is the time set for the
14 sentencing in your case. If you intend to file a
15 motion to withdraw from the plea agreement, you need to
16 have a conversation with Mr. Best about that. Because
17 that needs to get filed.

18 THE DEFENDANT: Your Honor, I have an
19 administrative and procedural matters to dress.

20 THE COURT: Sure.

21 THE DEFENDANT: I filed this this morning.

22 THE COURT: No. You don't file anything if
23 you're represented by an attorney.

24 THE DEFENDANT: It's to dismiss the defense
25 attorney, Your Honor.

1 THE COURT: All right. So we can have a
2 conversation about that. So tell me why it is you are
3 seeking to dismiss counsel?

4 THE DEFENDANT: I'm going to represent myself
5 pro se with my own counsel of choice.

6 THE COURT: Have you hired an attorney or are
7 you going to represent yourself?

8 THE DEFENDANT: I am representing myself pro
9 se and I have right to counsel of my choice,
10 Your Honor.

11 THE COURT: You have the right to retained
12 counsel of your choice. You don't have a right to
13 appointed counsel of your choice. So you need to tell
14 me what you want to do. You can have a conversation
15 with Mr. Best really quickly.

16 THE DEFENDANT: I think I need to give you a
17 copy of this paper.

18 THE COURT: No. You don't file stuff with me
19 if you're represented by an attorney. So what you can
20 do is give it to Mr. Best. Mr. Best can file it on
21 your behalf. I can take a look at it. As long as
22 you're represented by counsel, counsel files things in
23 your case.

24 My question for you, sir, is do you plan on
25 representing yourself or are you planning on hiring an

1 attorney?

2 THE DEFENDANT: Pro se.

3 THE COURT: Okay. So if you need to have a
4 conversation about that, and we can get that set up.
5 So the first thing I would like to ask you, sir, is you
6 understand that you have the right to have an attorney
7 appointed to represent you?

8 THE DEFENDANT: Yeah. I'd like to serve you
9 in open court today, Your Honor.

10 THE COURT: I'm sorry?

11 THE DEFENDANT: I'd like to serve you in open
12 court today.

13 THE COURT: You're not serving me with
14 anything, sir. You need to have a conversation. Okay?
15 The way this works is you have to tell me whether or
16 not you want to be -- represent yourself.

17 If you want to represent yourself, we need to
18 have a conversation about that. If you end up
19 representing yourself, that's fine. Then you can go
20 down and file stuff. But you're not serving me with
21 papers today. Okay? That's not how it works.

22 Fair enough? Let me ask you this way: Any
23 questions about that?

24 THE DEFENDANT: I'm making a special
25 appearance, Your Honor.

1 THE COURT: Sir, with all due respect, we have
2 kind of a process that we got to go through. And we'll
3 get where you want to go if that's where you want to
4 wind up. Okay? You got to go through the process
5 first.

6 So the first thing that has to happen is you
7 and I have to have a conversation about you
8 representing yourself. Once we have that conversation,
9 if I think it's appropriate for you to represent
10 yourself, I'll grant you that motion. And then you
11 will be allowed to be your own attorney.

12 I understand you got papers that you want me
13 to read and go through. I will do that if you're
14 allowed to represent yourself. What that requires is
15 for you to go downstairs and file formally with the
16 clerk's office. Because Mr. Asay has a right to review
17 the materials you're giving me, and he's not here --
18 well, he's here --

19 THE DEFENDANT: I have a copy for him also.

20 THE COURT: You see the difficulty with giving
21 him that copy?

22 THE DEFENDANT: I already filed it this
23 morning.

24 THE COURT: What we'll do is let's take it one
25 stage at a time. So my first question is are you sure

1 you want to represent yourself?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And you understand that you have a
4 right to court-appointed counsel?

5 THE DEFENDANT: I'm refusing that.

6 THE COURT: I understand that. But you
7 realize you have that right?

8 THE DEFENDANT: Yes. I understand.

9 THE COURT: And then that attorney would
10 represent you at this point in the proceeding
11 throughout your sentencing or would file any motions
12 related to the plea agreement that you entered on your
13 behalf.

14 You understand that as well?

15 THE DEFENDANT: Can you say that again,
16 Your Honor?

17 THE COURT: Sure. If you were to have an
18 attorney who is representing you, that attorney would
19 be able to file on your behalf any motions to withdraw
20 from the plea agreement that you want to file.

21 You understand that?

22 THE DEFENDANT: Would you consider an
23 extension of time for you to read my paperwork,
24 Your Honor?

25 THE COURT: I just want to make sure we're

1 communicating. Right now I don't want to talk about
2 paperwork. I just want to talk about you representing
3 yourself. You're telling me you want to represent
4 yourself. Am I hearing you correctly?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: In order for you to do that we
7 need to --

8 Is there any Rule 11 issues at this point,
9 Mr. Best?

10 MR. BEST: I haven't had and true, meaningful
11 conversations with the defendant. I've had a couple
12 email exchanges. We've spoken on the phone one time.

13 I think whenever I'm offering something
14 somebody wants, like to file a motion to withdraw from
15 a plea agreement, they'd say they were coerced into and
16 they are unsupportive of that. There may be mental
17 health issues at play. But I'm not a doctor and I
18 haven't had enough conversation to really make that
19 determination.

20 MR. ASAY: So the Court's aware, Mr. Chase
21 went through the Rule 11 process early on in this case.

22 THE COURT: I see that. And it looks like he
23 was restored at one time?

24 MR. ASAY: Yes.

25 THE COURT: Okay. All right.

1 So, sir, my question for you is you understand
2 that if you're represented by an attorney, your
3 attorney could assist you with filing any motions that
4 you want filed?

5 THE DEFENDANT: Yes, sir. I understand that.

6 THE COURT: And you understand that if you
7 were to withdraw from -- be allowed to withdraw from
8 the plea agreement based on that motion, the attorney
9 would represent you throughout trial?

10 THE DEFENDANT: I understand that. I plan to
11 stand pro se.

12 THE COURT: And the attorney would have to
13 confront and cross-examine all the witnesses called by
14 the state?

15 THE DEFENDANT: I understand what you're
16 saying, Your Honor.

17 THE COURT: My understanding is somebody is
18 filming now. You can't do that.

19 (Pause in proceedings.)

20 THE COURT: You would have the right to have
21 the attorney confront and cross-examine the witnesses
22 called by the state.

23 Sir, what I'm going to have you do is you can
24 either wait out in the hallway or we can take your
25 phone until we get done with the hearing.

1 Make sure that's not recording, please.

2 We have a court reporter. That's the official
3 record in the court.

4 We want to make sure it's stopped.

5 All right. So you can just leave it on the
6 bannister if it's stopped. You don't need to take it.

7 You have the right to have the attorney
8 confront and cross-examine witnesses; correct?

9 THE DEFENDANT: Uh-huh.

10 THE COURT: You have to say yes or no, sir.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You would have the right to have
13 the attorney assist you in preparing your defense?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And would have the opportunity to
16 have the attorney call witnesses on your behalf and
17 engage in the cross-examination -- I mean examination
18 of your own witnesses?

19 THE DEFENDANT: I understand what counsel
20 does, Your Honor.

21 THE COURT: Okay. And then, finally, sir, you
22 understand that if you do end up representing yourself,
23 I'm going to hold you to the same standard as I would
24 an attorney who is a member of the bar? You understand
25 that?

1 THE DEFENDANT: Yes.

2 THE COURT: You have to understand all of the
3 procedural rules that are required for filing motions
4 and to understand all of the procedural rules that are
5 part of making an argument to the Court. You have to
6 understand the rules of evidence if there is an
7 evidentiary hearing, all of those things.

8 You understand you will be responsible for
9 knowing that all yourself?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Okay. And at this point you're
12 telling me that you wish to represent yourself?

13 THE DEFENDANT: That is correct.

14 THE COURT: All right. So what I'm going to
15 do is I'm going to grant the request to represent
16 yourself. I'm going to have Mr. Best remain on your
17 case as advisory counsel. So Mr. Best can go through
18 for you what that means. He's no longer in control of
19 your case.

20 You will be the one who is handling your case
21 by yourself. However, if you need assistance with
22 things, you can always contact Mr. Best and he can give
23 you his insight on those things that you need help.

24 Okay, sir?

25 THE DEFENDANT: I do have the right --

1 THE COURT: Hang on. Did you hear my
2 question?

3 THE DEFENDANT: Say again.

4 THE COURT: My question to you was you
5 understand that Mr. Best will be advisory counsel?
6 What that means is as you're working on your case and
7 you're trying to put things together, if you need
8 assistance doing that, you can reach out to Mr. Best
9 and he can help you with those types of things.

10 Do you understand that?

11 THE DEFENDANT: I understand what you're
12 saying, Your Honor. I do have a right to my own
13 counsel. I understand that.

14 THE COURT: I didn't say that.

15 THE DEFENDANT: I know you didn't say that.

16 THE COURT: So let me repeat what I said back
17 to you just to make sure we're on the same page. You
18 understand that if you -- because you're representing
19 yourself, if you need assistance with filing paperwork,
20 you have questions that you need answered --

21 THE DEFENDANT: I don't need his help,
22 Your Honor.

23 THE COURT: I'm sorry?

24 THE DEFENDANT: I don't need his assistance.

25 THE COURT: Well, I'm making it available to

1 you. If you don't choose to use it, that's totally up
2 to you. I just want to make sure that you understand
3 that you have that.

4 THE DEFENDANT: I understand that. Thank you,
5 Your Honor.

6 THE COURT: You're welcome. As far as right
7 to counsel, you do have a right to counsel of your
8 choice if you retain counsel. As I understand it,
9 you're not asking me to appoint you another attorney.

10 Is that correct?

11 THE DEFENDANT: I'm not asking you to.

12 THE COURT: All right. And at this point what
13 you're asking me is to represent yourself?

14 THE DEFENDANT: I'm pro se.

15 THE COURT: Okay. So I've granted that.

16 We need to get the waiver form. Judge Ainley
17 probably has one. So it's the waiver of right to
18 counsel form.

19 So we've got a form that I need you to read
20 through. Once you read through that form, you it sign
21 it and give it to me. And that way we'll have a
22 written document from you indicating that you wish to
23 represent yourself.

24 Okay? Any questions about that?

25 THE DEFENDANT: No, Your Honor.

1 THE COURT: Okay. The other thing I'm going
2 to order is what's called a "Rule 11 prescreen." So
3 we're going to get doctor to do an additional
4 evaluation. I have to make sure that you're competent
5 to go forward representing yourself before I can allow
6 you to do that. And I just want to double-check that
7 based on the history related to this case.

8 So we'll get a doctor appointed. And I'll
9 have to give you the name and number for you to call so
10 that you can make that appointment and go do that
11 evaluation.

12 Okay, sir?

13 THE DEFENDANT: So I have a right to my own
14 doctor, not a court-appointed doctor?

15 THE COURT: No. So you have to -- because the
16 court-appointed doctors are the ones who know the
17 specific tests that are involved. So let me talk to
18 you about that. I'm setting this appointment. If you
19 don't go to that appointment --

20 THE DEFENDANT: I'll attend, Your Honor.

21 THE COURT: Okay. Perfect. But I'm just --
22 please make sure you do that. Because if you don't do
23 that, then things start to unravel. We don't want that
24 to happen.

25 It could result in you being taken into

1 custody to get the evaluation done. It could result in
2 me requiring you to be appointed by an attorney even
3 though you don't want one. So it's really, really
4 important that you go to that. Okay?

5 THE DEFENDANT: Understood.

6 THE COURT: All right. Now, what questions do
7 you have?

8 THE DEFENDANT: I'd like to --

9 THE COURT: Remember, I'm not taking papers
10 today. I'm going to let you file those. And Mr. Asay
11 will get a copy and then he can file a response.

12 THE DEFENDANT: So I'd have to get ruled on my
13 administrative procedural matters, then?

14 THE COURT: So this is kind of an example of
15 what I was telling you about about having to be
16 knowledgeable about how the courts work. They're kind
17 of complicated. So what will happen is your motion,
18 which you say you've already filed, will come to my
19 court. And did you send a copy to Mr. Asay?

20 THE DEFENDANT: I can physically give him a
21 copy.

22 THE COURT: So here's what I'm going to order
23 that you do. Now, you're representing yourself. I'm
24 going to order you to refile those. And then you have
25 to send a copy to Mr. Asay. Okay? Just send it to the

1 county attorney's office.

2 THE DEFENDANT: Is that here in Prescott or is
3 that Camp Verde, Your Honor?

4 THE COURT: The office building is just up the
5 street.

6 THE DEFENDANT: I'll hand deliver it.

7 THE COURT: However you want to handle that.

8 What will happen is Mr. Asay will file a
9 response to whatever it is you filed if he thinks it's
10 appropriate. And then you can file what's called a
11 "reply." You get to file your reply 10 days after
12 Mr. Asay files his response.

13 And I'll set a hearing.

14 (Pause in proceedings.)

15 THE COURT: Okay. The right to counsel waiver
16 form, Mr. Best, applies ordinarily to cases where the
17 plea has not been entered. So I don't know how
18 relevant much of the information in the form is. But
19 I'll have him sign it anyway in case he is allowed to
20 withdraw from the plea agreement.

21 MR. BEST: Thank you, Your Honor.

22 THE COURT: Mr. Chase, the form that I'm going
23 to give you, you need to read it and sign it. It
24 primarily applies when people are trying to represent
25 themselves before they enter into a plea.

1 You're here after you entered into a plea
2 agreement. So many of the rights will remain the same
3 if you are allowed to withdraw from the plea agreement.

4 Okay, sir?

5 THE DEFENDANT: I understand what you're
6 saying.

7 THE COURT: All right.

8 (Pause in proceedings.)

9 THE COURT: Mr. Asay, do you have anything you
10 want to put on the record?

11 MR. ASAY: Judge, just to make sure. And he
12 may have already had to do this when he filed the
13 information. Just to make sure that his address and
14 all his information we have is current with him so that
15 when I do file a reply that it does gets to Mr. Chase.

16 THE COURT: All right.

17 Mr. Chase, do you have your address that you
18 can give us so that Mr. Asay can make sure you get
19 copies of any documents that are filed?

20 THE DEFENDANT: P.O. Box 4461, Sedona,
21 Arizona, 86336.

22 THE COURT: Did you get that, Mr. Asay?

23 MR. ASAY: Sorry, Judge. I didn't write it
24 down. I've got P.O. Box --

25 THE DEFENDANT: 4461 --

1 MR. ASAY: 4461.

2 THE DEFENDANT: Sedona, Arizona, 86340.

3 MR. ASAY: Okay.

4 THE DEFENDANT: 86340.

5 THE COURT: Sir, you've been charged with 13
6 different counts?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: The form isn't big enough for me
9 to write all 13 counts in the form. So what I'm going
10 to do is print a copy of the indictment and attach to
11 the form. That way you will have a list of all the
12 charges that are currently pending that you're waiving
13 your right to counsel related to.

14 Okay, sir?

15 THE DEFENDANT: Yes.

16 THE COURT: Okay. Great. Sir, you understand
17 if at any time along the way you decide you wish to
18 discontinue representing yourself and have an attorney
19 appointed to represent you, all you need to do is
20 notify me of that and I'll appoint counsel.

21 You understand that, sir?

22 THE DEFENDANT: Yeah. I do have a right to
23 counsel. But I would like to call my counsel forward.

24 THE COURT: Who is that?

25 THE DEFENDANT: Your Honor --

1 THE COURT: Which of these folks is
2 admitted -- hang on, sir. Which of this folks is
3 admitted as an attorney?

4 THE DEFENDANT: I have the right to counsel,
5 Your Honor. I'm going to go through their names.

6 THE COURT: No, no. Hang on. Which of these
7 folks is appointed as an attorney to the Arizona bar?

8 UNIDENTIFIED PERSON NO. 1: None of us,
9 Your Honor.

10 UNIDENTIFIED PERSON NO. 2: None of us,
11 Your Honor.

12 UNIDENTIFIED PERSON NO. 3: We're not
13 representing him.

14 THE DEFENDANT: It's my choice of counsel,
15 Your Honor.

16 THE COURT: You have the right to an attorney.

17 THE DEFENDANT: I have a right to counsel,
18 Your Honor.

19 THE COURT: No. You have a right to an
20 attorney.

21 You guys can be seated. Thank you, guys.

22 You guys can be seated.

23 THE DEFENDANT: You're denying my right of
24 counsel, Your Honor?

25 THE COURT: If they are members of the bar, if

1 any one of them is an attorney at bar, then they're
2 welcome to represent you. That's what you have the
3 right to.

4 THE DEFENDANT: So you're ruling to dismiss my
5 choice of counsel?

6 THE COURT: I haven't read that yet. But if
7 what you're asking for is just a counselor or some form
8 of counsel, that's not how it works. You the right to
9 an attorney.

10 So going pro se means you're representing
11 yourself. You understand that?

12 THE DEFENDANT: I am representing myself. I
13 do have the right to counsel, Your Honor.

14 THE COURT: No. You have the right to an
15 attorney. That's what you have the right to.

16 THE DEFENDANT: I object, Your Honor.

17 THE COURT: All right.

18 So I'm handing you the form. What you need to
19 do is read that form. Go through it. If you have any
20 questions about the form, go through those with
21 Mr. Best. At the end of the form there is a place for
22 you to sign. Once you sign that, that tells me that
23 you're agreeing to represent yourself.

24 THE DEFENDANT: Your Honor, can I call for a
25 recess?

1 THE COURT: Sure. What we'll do is we'll take
2 a break. I've got some other cases that are scheduled
3 at 9:30. I have two of them. So why don't we come
4 back at 9:45. That will give us 15 minutes.

5 THE DEFENDANT: Okay. Thank you, Your Honor.

6 THE COURT: All right. We are adjourned.

7 (Recess.)

8 THE COURT: V1300CR201980661 is State of
9 Arizona versus Michael Chase. Mr. Chase is here
10 representing himself with counsel -- advisory counsel,
11 Mr. Best. I have Mr. Asay on behalf of the state.

12 We took a break to give Mr. Chase an
13 opportunity to review the waiver of counsel form as
14 well as the indictment that was attached to it.
15 Mr. Best was available if Mr. Chase had any questions.

16 Mr. Chase, do you have any questions about the
17 form?

18 THE DEFENDANT: Yes, Your Honor. I am in
19 charge of my case. I'm never going to give away of my
20 rights anymore.

21 THE COURT: Sure.

22 THE DEFENDANT: I'd like you to look at this
23 modification that I've added here.

24 THE COURT: Sure. Let me see it.

25 THE DEFENDANT: I'm going to make every

1 decision, Your Honor, to protect my rights and my
2 choice of counsel.

3 THE COURT: Okay.

4 So, Mr. Asay, the additions to the form he
5 added is you have told the Judge that you do not want a
6 court-appointed lawyer was the addition that Mr. Chase
7 made. He also used that in the title of the waiver.
8 And he also wrote "I choose to never waive any of my
9 rights but to demand them always."

10 Any objection to accepting the form with those
11 modifications?

12 MR. ASAY: No objection, Your Honor.

13 THE COURT: All right.

14 Sir, I don't have any objection to those
15 either. But what you need to do is on the second page
16 there you just need to write in the date and sign your
17 name.

18 THE DEFENDANT: I just wanted you to see that,
19 Your Honor.

20 THE COURT: I appreciate that, Mr. Chase.

21 Sir, I don't mean to be rude to you about the
22 cell phone. It's just really strict rules about -- no.
23 I appreciate it very much. You've been very
24 respectful.

25 Okay. I am going to sign the form as well.

1 And then, Mr. Chase, I was able to get a name
2 of a doctor and an appointment time for you for that
3 evaluation. So let me read that into the record. And
4 then I've printed out a copy for you so that you will
5 have a copy of it for your records.

6 And then my court will prepare a formal order
7 as well. That will be mailed to you through your P.O.
8 Box.

9 But I just wanted you to have a copy of it in
10 court. That way we all knew what the date and time
11 was.

12 THE DEFENDANT: I appreciate it. Thank you.

13 THE COURT: All right. So the doctor's name
14 is Doctor Hupp, H-u-p-p. His telephone number is
15 (928) 421-4646. And the date of your appointment is
16 June 10, 2021, at 2:30 p.m.

17 Mr. Chase, if you'll just give that a quick
18 read. Make sure that I've read that information
19 correctly.

20 THE DEFENDANT: Thank you, Your Honor.

21 THE COURT: All right. Great. Okay. What
22 I'd like to do, since we need to get that evaluation
23 done and we need to get your motions to Mr. Asay so he
24 has an opportunity to respond to those, what I'm
25 planning on doing is setting a status conference

1 sometime in August.

2 Any objection to that, Mr. Chase?

3 THE DEFENDANT: No objection.

4 THE COURT: Mr. Asay?

5 MR. ASAY: No objection, Your Honor.

6 THE COURT: All right. How does July 26
7 sound?

8 THE DEFENDANT: That's appropriate.

9 THE COURT: All right.

10 Mr. Asay?

11 MR. ASAY: Let me check, Judge. Make sure I'm
12 not in another trial or something.

13 THE COURT: It's a Monday.

14 MR. ASAY: It's a Monday. I won't be. That
15 works, Your Honor.

16 THE COURT: All right. I'm going to set this
17 for a status conference on July 26 at 9:00 a.m.

18 Mr. Chase, you need to be here at that time.
19 If you were to fail to appear, a warrant would issue
20 for your arrest. We would have a hearing to determine
21 if you should remain out of custody. This case could
22 proceed in your absence through a conviction after
23 trial and in your case sentence. If you fail to appear
24 within 90 days of that sentencing or conviction, you
25 could waive your right to an appeal.

1 You understand all those things, sir?

2 THE DEFENDANT: Yes. July 26 at 9:00 a.m.?

3 THE COURT: Yes, sir.

4 THE DEFENDANT: Right here in this courtroom?

5 THE COURT: Right here in this courtroom.

6 And we should have the report from Doctor Hupp
7 by then. If for whatever reason we don't, we can
8 continue to discuss the motions that were filed, maybe
9 set some hearings on those and hopefully get that
10 report in time.

11 Sound good?

12 THE DEFENDANT: Good to go. Thank you.

13 THE COURT: All right. Mr. Chase, anything
14 else you want to tell me before we break?

15 THE DEFENDANT: You don't want to take any
16 opinion in open court?

17 THE COURT: We're going to do it all the
18 formal way that we have a record of what was said and
19 done --

20 THE DEFENDANT: The district attorney gets his
21 copy today?

22 THE COURT: Yes. That would be great.
23 Mr. Asay, anything else you want to tell me?

24 MR. ASAY: Nothing, Your Honor.

25 THE COURT: All right. We are adjourned in

1 this matter. I will see you in July.

2 (The proceedings concluded.)

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Mina G. Hunt

(928) 777-3095

1 STATE OF ARIZONA)
2 COUNTY OF YAVAPAI) ss: REPORTER'S CERTIFICATE
3

4 I, Mina G. Hunt, do hereby certify that I am a
5 Certified Reporter within the State of Arizona.

6 I further certify that these proceedings were
7 taken in shorthand by me at the time and place herein
8 set forth, and were thereafter reduced to typewritten
9 form, and that the foregoing constitutes a true and
10 correct transcript.

11 I further certify that I am not related to,
12 employed by, nor of counsel for any of the parties or
13 attorneys herein, nor otherwise interested in the
14 result of the within action.

15 In witness whereof, I have affixed my
16 signature this 20th day of June, 2021.
17
18
19
20
21

22 /s/ Mina G. Hunt

23 -----
24 MINA G. HUNT, AZ CR No. 50619
25

EXHIBIT - I
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

Plaintiff,

MICHAEL WILLIS CHASE.

Defendant.

Yavapai County
Superior Court
No.
V1300CR2019-80661

THE HONORABLE JOHN NAPPER
JUDGE OF THE SUPERIOR COURT
DIVISION 2
YAVAPAI COUNTY, ARIZONA

PRESCOTT, ARIZONA
MONDAY, JULY 26, 2021
9:02 A.M. SESSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Re: Rule 11 Status

LISA A. CHANEY, RPR, CSR, CR
Certified Reporter
Certificate No. 50801

A P P E A R A N C E S

On Behalf of the State:
Yavapai County Attorney's Office
By: Mr. Glen Asay, Deputy
255 East Gurley Street
Prescott, Az 86301

On Behalf of Mr Chase: In Pro Per

Also Present:
Yavapai County Public Defender's Office
By: Mr. Nathan Best, Advisory Counsel
595 White Spar Road
Prescott, Az 86303

1 MONDAY, JULY 26, 2021
2 9:02 A.M. SESSION

3 (Appearances as heretofore noted.)
4

5 THE COURT: We are here in
6 V1300CR2019-80661. It's State of Arizona versus Michael
7 Chase. I have Mr. Chase who is here representing
8 himself. We have Mr. Best who is with him as advisory
9 counsel. I have Mr. Asay here who is here on behalf of
10 the State.

11 Counsel, we are in -- well, Mr. Chase and
12 Mr. -- I assume, Mr. Chase, you want to continue to
13 represent yourself, is that correct, sir?

14 MR. CHASE: That's correct, Your Honor.

15 THE COURT: All right. So, Mr. Asay,
16 Mr. Chase, we've got a problem brewing here, and that is
17 we have been trying to get Mr. Chase evaluated pursuant
18 to Rule 11.

19 I've received Mr. Chase's notices indicating
20 that he keeps showing up and making himself available.
21 We're having a difficult time getting Dr. Hupp on board.
22 I think that's where we are.

23 Mr. Asay.

24 MR. ASAY: I think that's correct,
25 Your Honor. I had not seen a Rule 11 Report yet.

1 THE COURT: Well, and the way I glean the
2 information is that Mr. Chase has been diligently
3 attempting to uphold his end of the bargain. He keeps
4 filing the notices with me saying, hey, I showed up and
5 he's not available and things like that.

6 Mr. Chase, anything else you want to tell
7 me?

8 MR. CHASE: No. I did set up a call. I
9 leave messages with Dr. Hupp because he said he'd send
10 me a copy.

11 I am making a special appearance today, not
12 a general appearance in this speciality tribunal and I
13 do have administrative procedural matters to address.

14 THE COURT: Sure.

15 MR. CHASE: I have filed a Motion to
16 Dismiss. You got the motions and briefs, Number 3,
17 Number 6, for the record.

18 Yes or no, Your Honor?

19 THE COURT: Yes, I did receive your Motion
20 to Dismiss. Until we can get you -- you are evaluated,
21 all of those motions are held in abeyance until we're
22 able to get that evaluation --

23 MR. CHASE: Have you read them, Your Honor?

24 THE COURT: I think I did read the Motion to
25 Dismiss.

1 MR. CHASE: All 300 pages or so?

2 THE COURT: Yes, 43 pages filed on May 24th.

3 MR. CHASE: I understood --

4 THE COURT: And that was -- and I just want
5 to read the title to you correctly. It's Motion to
6 Dismiss the Public Defender Nathan Best, which I
7 granted -- well, I granted it in part. Mr. Best is now
8 only representing -- he's not representing you at all.

9 MR. CHASE: So --

10 THE COURT: He's just appearing as advisory
11 counsel.

12 MR. CHASE: I understand that.

13 July 8th I filed more paperwork that I sent
14 --

15 THE COURT: So --

16 MR. CHASE: -- by certified mail also and
17 filed stamped in the court two briefs, Brief Number 3
18 and Brief Number 6.

19 THE COURT: What I got was Demand for
20 Answers to Administrative and Procedural Matters and
21 Questions.

22 So it wasn't a Motion to Dismiss. It was
23 more a request to figure out where things are as I read
24 it.

25 MR. CHASE: And you read Brief 3 --

1 THE COURT: Yes.

2 MR. CHASE: -- and Brief 6?

3 I would like to call my counsel of choice to
4 assist me forward.

5 THE COURT: We've been through this, sir.
6 Unless they're admitted to the State Bar of Arizona,
7 they won't be representing you.

8 MR. CHASE: I object timely, Your Honor,
9 under Powell versus Alabama. It's a substantial right
10 to deny what you're doing. I do have rights to counsel
11 to assist me.

12 THE COURT: I've read Powell many times. I
13 use to litigate it often. So as I say you have the
14 right to the effective assistance of counsel which has
15 been defined as a member of the bar.

16 So you have the right to absolutely
17 represent yourself. You're allowed to have a member of
18 the bar represent you, but that's where we are.

19 MR. CHASE: I'm also challenging the
20 jurisdiction of this Court. I want to see the suppose
21 jurisdiction dully placed into evidence. I need to know
22 -- let's see, this Court can move forward only on facts
23 and not evidence. Where's the competent witness that
24 filed a Complaint or Information.

25 THE COURT: So I think you were indicted.

1 MR. CHASE: The corpus delicti, it's called
2 a body, a person, blood, flesh.

3 THE COURT: Yeah, you were indicted by a
4 Grand Jury on November 27th, 2019, and that's the
5 charging document.

6 MR. CHASE: Yeah, I'm waiting for a warrant
7 to be issued for my arrest. I have to be brought before
8 a magistrate.

9 THE COURT: Okay, I'm not sure what you're
10 talking about there, but the Indictment came down on
11 November 27th, 2019, which is the charging document
12 that's issued by citizens of the Yavapai County. It's
13 called a True Bill.

14 MR. CHASE: So, Your Honor, are we going to
15 do a continuance then?

16 THE COURT: Yeah. What we're going to have
17 to do is we're going to continue it one last time. I'm
18 going to issue another order for --

19 Counsel. Dr. Hupp doesn't seem to be
20 responsive in a timely manner. Do you have someone else
21 that you could recommend that I order do the prescreen?

22 MR. ASAY: I don't know who else. I'm
23 trying to think of who's doing it over on the Verde
24 side, Your Honor, which might make it a little more
25 convenient for Mr. Chase. I -- I don't know who does it

1 over there.

2 THE COURT: I think what I ought to do is
3 I'll refer the matter to Division 3 of the Superior
4 Court for the Rule 11 proceedings.

5 Mr. Chase, it will just be in front of Judge
6 Ainley till we get the evaluation done and then figure
7 out where the case goes. Her courtroom's right across
8 the hall, so it's not hard for you to find. The
9 courtroom's just exactly across the hall.

10 What will happen is she'll send out an order
11 letting you know which doctor to --

12 Let the minute entry reflect that we not
13 order Dr. Hupp to do the evaluation and hopefully we can
14 find somebody in the Verde Valley to do the evaluation,
15 because as I say, Mr. Chase has been diligent in trying
16 to get this evaluation done --

17 MR. CHASE: And -- and under equal
18 protection --

19 THE COURT: -- and it hasn't happened.

20 MR. CHASE: Excuse me, Your Honor. Under
21 equal protection and due process, I should have the
22 prosecuting attorney evaluated then.

23 THE COURT: Fair enough. I get the
24 argument. I'm going to deny the request to have the
25 county attorney evaluated pursuant to Rule 11. Rule 11

1 by its terms only applies to --

2 MR. CHASE: I object.

3 THE COURT: I get it.

4 MR. CHASE: I have a substantial right.

5 THE COURT: That is on the record. So the
6 objection is equal protection and a due process clause
7 allegation and I hear what you're telling me, so I
8 appreciate that, Mr. Chase.

9 All right. I don't know that there's much
10 else we can do, Mr. Chase. You'll get your next court
11 date and you'll get the date for the evaluation from
12 Judge Ainley, so it'll come in the minute entry. You'll
13 receive it the same way you always have.

14 What I recommend is you can also stay in
15 contact with Mr. Best. I'm not expecting you to get any
16 legal advise or anything from him, but if you just want
17 to make sure you have the appropriate dates, you can
18 always check in with Mr. Best, because he'll get the
19 same minute entries that you get. Okay?

20 That's up to you whether you talk to him or
21 not. It's totally up to you.

22 MR. CHASE: Well, since you're asking,
23 Your Honor --

24 THE COURT: Sure.

25 MR. CHASE: -- I would like to ask you to

1 order Nathan Best to answer those questions for dismiss
2 of public attorney.

3 THE COURT: Well, so Mr. Best isn't your
4 attorney. So there really isn't any questions for him
5 to answer.

6 MR. CHASE: Well --

7 THE COURT: If he was your attorney then,
8 we'd be --

9 MR. CHASE: Well, the paperwork was filed
10 and those questions were not answered.

11 THE COURT: Well, that's because --

12 MR. CHASE: And you're still letting him be
13 involved, Your Honor.

14 THE COURT: So I'm letting him be involved
15 as advisory counsel. His only purpose is if you have a
16 question, you're welcome to contact him. You don't have
17 to. It's totally up to you, but he's there in case you
18 need assistance, so he's not in control of your case.
19 He's not running your case.

20 It's totally up to you, but he is there as
21 sort of an assistance, to provide assistance to you, if
22 you need it. So one of the things I'm suggesting you
23 might want to do is stay in contact with him to make
24 sure you get your next court date, because if your court
25 date gets set and you were to fail to appear, a warrant

1 could issue for your arrest.

2 You'd have a hearing to determine if you
3 should remain out of custody. The State could file new
4 charges for failing to appear. The case could proceed
5 in your absence through a conviction after trial --
6 actually you entered into a Plea Agreement. The State
7 wouldn't be bound by any stipulations contained in the
8 Plea Agreement.

9 If you fail to show up for your -- the State
10 could withdraw from the Plea Agreement if you were to
11 fail to appear. The case could proceed in your absence
12 through a conviction, and if you fail to appear within
13 90 days of that sentencing, you could waive your right
14 to an appeal.

15 All right. Any questions about any of that,
16 Mr. Chase?

17 MR. CHASE: No questions on that answer --
18 or on that, Your Honor.

19 THE COURT: You understand all those things,
20 though, sir?

21 MR. CHASE: I understand your words, Your
22 Honor.

23 THE COURT: Okay.

24 MR. CHASE: And going back to my
25 Administrational -- Administrative and Procedural

1 Matters, Your Honor, I do demand answers to my
2 questions.

3 THE COURT: I understand that. So once we
4 get through the Rule 11 process, then we can start
5 having different conversations about where your case is
6 headed.

7 MR. CHASE: Thank you.

8 THE COURT: But we got to get through that
9 first. Okay?

10 MR. CHASE: All right. Good to know.

11 THE COURT: And you, Mr. Chase, to your
12 credit you have been diligent. You have been trying to
13 get the evaluation done and I just want you to know as a
14 judicial officer I'm appreciative of that. Oftentimes,
15 people aren't as diligent as you are. So I appreciate
16 that.

17 MR. CHASE: Your Honor, I do have a
18 transcript of Dr. Hupp's and I's evaluation and an audio
19 recording if you'd like me to --

20 THE COURT: So did he actually do the
21 evaluation now?

22 MR. CHASE: Yeah, it's been done.

23 THE COURT: I thought the issue was you
24 weren't able to get it done, because I haven't seen --

25 MR. CHASE: No.

1 THE COURT: -- a report from him yet.

2 MR. CHASE: No, Your Honor. It's a done
3 deal.

4 THE COURT: When did you guys do that, do
5 you recall?

6 MR. CHASE: I'll go ahead and I'll file in
7 the court a declare witness testimony --

8 THE COURT: Okay.

9 MR. CHASE: -- the transcripts, and I do have
10 the audio file.

11 THE COURT: Counsel, since the evaluation
12 has been done, do you want me to keep it here? Reset it
13 for 30 days?

14 MR. ASAY: Yes, Judge. I mean that's all we
15 are waiting for. We need to see some kind of report or
16 something.

17 MR. CHASE: Yeah, and that'll give me enough
18 time to -- I have the transcript. I'll go ahead and
19 write it up in a format --

20 THE COURT: Okay. Why don't I do this --

21 MR. CHASE: -- that declares witness
22 testimony.

23 THE COURT: -- what I'll do is I'll reset it
24 for a hearing in my court. So I'm going to vacate the
25 order -- sorry, Madam Clerk -- setting it in Division 3.

1 I'll keep the case. I'll reset it for a hearing in 60
2 days. That'll give you time to file --

3 MR. CHASE: 60 days is fine.

4 THE COURT: -- whatever you need to file.

5 MR. CHASE: Thank you, Your Honor.

6 THE COURT: That'll give me the opportunity
7 to get the report and I'll have my staff check with
8 Dr. Hupp and see about getting a copy of the report sent
9 to us. I'm not sure what's going on, but I wasn't aware
10 that it had been done.

11 As I was reading your papers it appeared to
12 me you were trying to get it done and were having a
13 difficult time, through no fault of your own.

14 MR. CHASE: Yeah, it's been done. I'll go
15 ahead and I'll stamp in the declare witness testimony on
16 the transcript for Your Honor.

17 THE COURT: Let me give you a hearing 60
18 days. How does September 20th sound?

19 Mr. Chase, will that work for you, sir?

20 MR. CHASE: At what time, Your Honor?

21 THE COURT: It would be at 9 in the morning.
22 9 a.m.

23 MR. CHASE: 9 a.m.?

24 THE COURT: Yes, sir.

25 MR. CHASE: All right.

1 THE COURT: Mr. Best, can you make that
2 work?

3 MR. BEST: Yes, I should be able to.

4 THE COURT: All right. Mr. Asay, does that
5 work for you?

6 MR. ASAY: One second, Judge. Let me make
7 sure I'm not in trial or something.

8 THE BAILIFF: Status Conference?

9 THE COURT: Yeah.

10 THE BAILIFF: Okay.

11 THE COURT: Can you make a note for Felicia
12 to check --

13 THE BAILIFF: I did. Yes, I did.

14 THE COURT: -- with Dr. Hupp. See what's
15 going on.

16 MR. ASAY: It's a Monday, Judge, so, yes.

17 THE COURT: It is a Monday.

18 All right. So I'm resetting this for a
19 hearing in Division 2 of the Superior Court for 9 a.m.,
20 Monday.

21 Mr. Chase, you and I talked about the
22 potential ramifications of not showing up, so I'm not
23 going to repeat all of that. Just know you need to be
24 back here on July -- I'm sorry -- September 20th at 9
25 and I'll see you then.

1 MR. CHASE: I will be here.

2 THE COURT: All right. Mr. Asay, anything
3 else you want to put on the record?

4 MR. ASAY: No, Your Honor.

5 THE COURT: Okay. We are adjourned in this
6 matter. I'll see everybody in a couple of months.

7 Thank you.

8 Mr. Best --

9 MR. BEST: Your Honor --

10 THE COURT: -- anything else you want to put
11 on the record?

12 MR. BEST: -- may I just briefly make a quick
13 record?

14 THE COURT: Sure.

15 MR. BEST: Okay. It's my role in advisory
16 counsel, I just wanted to put a couple of things on the
17 record. I have advised Mr. Chase as to what I believe
18 is the procedural posture of this case, which is that
19 he's already pled guilty and this case is pending
20 sentencing.

21 I've given him a sample motion to withdraw
22 from the guilty plea that I've drafted and successfully
23 litigated in the past. I gave him all of the case law
24 that I cited in my motion, along with the rules that I
25 cited in his motion, to assist him in that capacity.

1 He has asked me to answer the questions in
2 Motion to Dismiss the Public Defender Nathan Best. The
3 motion that he filed with the Court. At this time I'm
4 not going to answer those questions because they're
5 asking me things like do I insure my car, do I register
6 my car. Things that are more or less personal
7 information about me.

8 If Mr. Chase wants to ask me specific
9 questions about this case, I'm more than willing to
10 answer those questions, but I won't answer questions
11 about my personal life unless the Court orders me to
12 answer those questions.

13 THE COURT: So as it stands now Mr. Chase
14 has opted to represent himself. Under those
15 circumstances, there's really not any need to answer any
16 questions other than ones he specifically asks about the
17 case.

18 If Mr. Chase at some point decides he wants
19 to alter his status as representing himself, we can have
20 a conversation about what questions would be relevant,
21 but --

22 MR. CHASE: And I'll get the answers in the
23 District Court of the United States.

24 THE COURT: Sir, you can file -- as I said,
25 there are courts all over --

1 MR. CHASE: And if he doesn't want to
2 answer, that's fine. I'll get them there.

3 THE COURT: You can file whatever -- I don't
4 want to prevent you from filing whatever pleadings in
5 whatever court you think are appropriate.

6 MR. CHASE: All right. Thank you, Your
7 Honor.

8 THE COURT: Okay. We are adjourned. Thank
9 you.

10 MR. BEST: Thank you, Your Honor.

11 (Whereupon, the proceedings were concluded.)
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF ARIZONA)
)
COUNTY OF YAVAPAI)

I, Lisa A. Chaney, a Certified Reporter, in
the State of Arizona, do hereby certify that the
proceedings had in the foregoing entitled matter are
contained fully and accurately in the shorthand record
made by me thereof, and that the following pages
constitute a full, true and accurate transcript of the
said shorthand record, all done to the best of my skill
and ability.

DATED this 6th day of August, 2021.

/s/ LISA A. CHANEY
LISA A. CHANEY, RPR, CSR, CR
Certified Reporter
Certificate No. 50801

EXHIBIT - J
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

vs.

MICHAEL WILLIS CHASE,

Defendant.

Case No.
V1300CR201980661

BEFORE: The Honorable John D. Napper
Judge of the Superior Court
Division 2
Yavapai County, Arizona

Prescott, Arizona
Monday, September 20, 2021
8:59 a.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS
STATUS CONFERENCE

LAURA A. ASHBROOK, RMR, CRR
Certified Reporter
Certificate No. 50360

LAURA A. ASHBROOK, RMR, CCR
Arizona Certified Reporter #50360

A P P E A R A N C E S

On Behalf of the State:

YAVAPAI COUNTY ATTORNEY
BY: Glen Asay, Deputy County Attorney
255 E. Gurley Street
Suite 300
Prescott, Arizona 86301

Advisory Counsel:

YAVAPAI COUNTY PUBLIC DEFENDER
BY: Nathan Best, Deputy Public Defender
595 White Spar Road
Prescott, Arizona 86303

Appearing Pro Per

MICHAEL WILLIS CHASE
P.O. Box 4461
Sedona, Arizona 86340

P R O C E E D I N G S

THE COURT: We are on the record in V1300CR201980661. It's State of Arizona versus Michael Chase. Mr. Chase is present, representing himself. He is here with the assistance of advisory counsel, Mr. Best, and then I have Mr. Asay here on behalf of the state.g

This was the time that was set for a Rule 11 status conference. I have received a copy of the report that was prepared by Dr. Hupp. Mr. Chase, Dr. Hupp, in the report, mentions at least once, if not twice, how diligent you were in attempting to get that prepared. So I appreciate your working with us, even though it got a little confusing.

So I have reviewed the report. I believe the report indicates that Mr. Chase is competent to go forward.

Mr. Asay, do you have any record you wish to make on the Rule 11 report?

MR. ASAY: No, Your Honor. The state would submit the report on the record.

THE COURT: Mr. Chase, any objection to -- there really isn't a finding that needs to be made based on the report because the report finds you competent to

1 go forward.

2 MR. CHASE: Did you read the declared
3 witness testimony I submitted, Your Honor, of the
4 transcript and the audio CD of Dr. Hupp's evaluation?

5 THE COURT: I have not seen that.

6 MR. CHASE: There are discrepancies between
7 the evaluation and the findings in his report.

8 THE COURT: Okay. Tell me about that.

9 MR. CHASE: Well, I -- it looks like -- in
10 Dr. Hupp's report, it looks like a basic form, where he
11 basically plugged in names in appropriate areas and
12 seems to -- because of the wording of his report, seems
13 to take my rights away to enter jurisdiction, you know,
14 certain wording. So I submitted a transcript of our
15 actual meeting on the telephone and I submitted also a
16 CD.

17 THE COURT: So the only thing that Dr. Hupp
18 does is make a determination about whether or not you're
19 competent to go forward. So he doesn't have anything to
20 do with jurisdiction, doesn't have anything to do with
21 your rights. All of your rights still exist in this
22 Court.

23 The only thing he was asking me to -- or the
24 only thing he was providing information on was whether
25 or not you were not competent, and he did not make that

1 finding. He found you were competent.

2 MR. CHASE: No. I understand. I concur in
3 declaring me competent.

4 I'd also bring to the attention of the Court
5 the rule for here in Arizona that he has 10 days to
6 enter his findings on the evaluation, and he turned it
7 in something like 42 days later, 43 days later. So I am
8 one to go by the rules, Your Honor.

9 THE COURT: I hear that. So if he had found
10 you not competent, you probably would have an issue, but
11 since he finds you competent, then I don't think it's an
12 issue.

13 MR. CHASE: And since we are talking about
14 my competency --

15 THE COURT: Sure.

16 MR. CHASE: -- Your Honor, your minute entry
17 on July 26th on this competency hearing stamped in, it
18 notes down here at the bottom -- let's see here.
19 "Defendant informs the Court the evaluation has been
20 completed and will submit the transcript to the Court
21 Mr. Best informs the Court --" where is it? Oh, right
22 here.

23 "Defendant objects and requests Nathan Best
24 be evaluated. The Court denies this request of advisory
25 counsel to have Nathan Best evaluated," and, Your Honor,

1 that statement is not true. I have a transcript right
2 here of that court hearing.

3 THE COURT: So the only transcripts that --

4 MR. CHASE: The transcript right here says,
5 right here, my exact words. "Excuse me, Your Honor.
6 Under equal protection and due process, I should have
7 the prosecuting attorney evaluated then", and you
8 responded, "Fair enough. I get the argument."

9 Now I'm challenging --

10 THE COURT: You want us to amend the minute
11 entry to reflect --

12 MR. CHASE: Well, yeah. This wording says I
13 was asking Mr. Best to be evaluated. That wasn't the
14 case.

15 THE COURT: So I don't remember it well.
16 From the way I recall it --

17 MR. CHASE: Would you like to read it, Your
18 Honor?

19 THE COURT: No, I don't need to read it. So
20 I thought the request was for both Mr. Best and Mr. Asay
21 to be evaluated, but that may have been -- hang on.
22 That may have been misrepresented. We can put in this
23 week's minute entry that the request was that the
24 prosecutor be evaluated. I am denying that request as
25 well.

1 MR. CHASE: The wording in here makes me
2 look incompetent, Your Honor. I am challenging --

3 THE COURT: Mr. Chase, no one thinks you're
4 incompetent at this time.

5 MR. CHASE: And I am challenging, Your
6 Honor -- or actually, I demand that you have Nathan Best
7 removed from my bar. I am representing myself pro se.
8 I am not accepting any benefit from the state.

9 THE COURT: So you're asking me to terminate
10 Mr. Best as advisory counsel?

11 MR. CHASE: Yes, that is correct.

12 THE COURT: I'm going to deny that request.
13 You can --

14 MR. CHASE: I object, Your Honor. I have
15 the right to counsel of my --

16 THE COURT: Hang on.

17 MR. CHASE: -- choice to assist me.

18 THE COURT: No, you don't.

19 MR. CHASE: Yes, I do.

20 THE COURT: You have the right to counsel of
21 your choice if they're a private attorney. We've been
22 through this multiple times.

23 So Mr. Best is not representing you. He
24 will not represent you. He won't address the Court on
25 your behalf unless you ask him to. He's just there in

1 case you have questions. If you don't have any
2 questions, you don't have to ask him any questions.
3 That's his only purpose.

4 You don't have to talk to him. You don't
5 have to interact with him. You don't have to have
6 anything to do with him if you don't want to, but I'm
7 going to keep him on as advisory counsel to be there as
8 a resource for you if you decide.

9 MR. CHASE: Well, I object, Your Honor.

10 THE COURT: Okay.

11 MR. CHASE: Untimely and, for the record, I
12 do have a right to counsel of choice to assist me. I'm
13 representing myself.

14 THE COURT: You are.

15 MR. CHASE: Yes, pro se.

16 THE COURT: Yes. Okay. So here's where we
17 are, Mr. Chase: We've got some things we need to
18 accomplish. You entered into a plea agreement, and I
19 need to either set sentencing on that plea agreement, if
20 you intend to not challenge the fact that you entered in
21 that plea agreement.

22 MR. CHASE: I am going to enter a different
23 plea, Your Honor, a Rule 32, Rule 33 --

24 THE COURT: So that's done after sentencing.

25 MR. CHASE: Yeah, yeah, manifest injustice.

1 THE COURT: So that's done after sentencing.
2 So there's a couple of things that can be done now.

3 MR. CHASE: Well, Your Honor, and I am
4 challenging --

5 THE COURT: Hold on, Mr. Chase. Don't
6 interrupt me. I don't interrupt you.

7 So what we have now is you can file what's
8 called a motion to withdraw from the plea agreement. So
9 you would file something with me saying these are all
10 the reasons my plea agreement should not go forward.
11 Mr. Asay would have the right to respond to such a
12 motion; you'd have the right to a reply, and then if I
13 thought it was appropriate, I would set a hearing on the
14 issue. So that's how that works.

15 If you want to use the rules for
16 post-conviction relief, those are done after sentencing
17 occurs. So it sounds to me like what you're intending
18 to do is file something now before sentencing occurs; is
19 that correct?

20 MR. CHASE: That is correct.

21 THE COURT: All right.

22 MR. CHASE: And I would like some time to do
23 that, and I have several motions to try to do at least a
24 motion and a brief filing challenging the jurisdiction
25 of the Court.

1 THE COURT: Sure, I get that. So here's
2 what we're going to do: How long do you need to get
3 those motions filed?

4 MR. CHASE: I think probably 60 days would
5 be plenty of time for me to get my 11 motions filed.

6 THE COURT: I'll give you 30, because
7 normally, your sentencing should have occurred before.
8 So I'll give you 30 days to get those filed.

9 Any objection to 30 days, Mr. Asay?

10 MR. ASAY: No, Your Honor.

11 MR. CHASE: Now, Your Honor, you've --
12 you've not acknowledged my other motions. So do I need
13 to re-file all my motions starting over since now I've
14 been found competent?

15 THE COURT: Here's what I would do, is I
16 would say why don't we just start with a clean slate.
17 So any motions that are pending before me I will deny
18 without prejudice to you. So that means you can re-file
19 all of them. If you want to file motions by subject
20 matter, you can do it that way. I will let you figure
21 out how you want to do it.

22 Any objection to me simply denying the
23 motions? There were a bunch pending.

24 MR. ASAY: I thought you already did, your
25 Honor.

1 THE COURT: I may have. I have looked at
2 them, but there were several requests for --

3 MR. CHASE: Administrative procedural matter
4 question that needs to be re --

5 THE COURT: Hang on, Mr. Chase. Hang on.

6 There were several. I think they were all
7 basically denied, Mr. Asay, but there were multiple
8 motions, many of them involving requests for things.
9 I'm just going to allow him to re-file all of those, in
10 sort of a more organized manner, Mr. Chase. That way,
11 we can take them up one at time.

12 MR. CHASE: I believe there's 13 so I'll
13 have to rewrite them, Your Honor. 30 days, you know --

14 THE COURT: Yeah. 30 days will be --

15 MR. CHASE: -- for 13 motions to be --

16 THE COURT: 30 days will be plenty of time.
17 So I'm going to deny any motions that are currently
18 pending and were stayed pursuant to Rule 11, is probably
19 the easiest way to do it. I'll deny those without
20 prejudice, allowing Mr. Chase to re-file those motions
21 as he wishes. Today's date is, I think, the 20th, so
22 30 days would be -- I will give you until October 25th
23 to get those filed. That's a little bit of extra time.

24 MR. CHASE: All right. I appreciate that.

25 THE COURT: Mr. Asay, you will be able to

1 file your responses by rule. Mr. Chase, you will file
2 your replies within the timelines allowed by the rules,
3 and then once I get all those, I will set oral argument
4 on those.

5 Okay. Any questions about where we are now
6 going forward, Mr. Asay?

7 MR. ASAY: No, Your Honor.

8 THE COURT: Any record you wish to make?

9 MR. ASAY: No, Your Honor.

10 THE COURT: All right. Mr. Chase, you
11 understand where we are and where we're headed?

12 MR. CHASE: Yes, I do, Your Honor.

13 THE COURT: All right. We are adjourned in
14 this matter. I appreciate everyone being here. Mr.
15 Best, I will keep you on advisory counsel again. You
16 have no role to play in this, other than if Mr. Chase
17 has questions for you.

18 Mr. Chase, I think we have your e-mail
19 address. Do we have an e-mail address for you?

20 MR. CHASE: Yeah. I have a P.O. box also,
21 Your Honor.

22 THE COURT: Do you have his e-mail address
23 and P.O. box? Let me get your e-mail address, Mr.
24 Chase. That way, we can directly e-mail you.

25 MR. CHASE: It is aloha777sedona.

1 THE COURT: Aloha?

2 MR. CHASE: Yes. Number 777sedona at gmail
3 dot com.

4 THE COURT: So we'll mail you a copy of the
5 minute entries. We'll also e-mail you a copy of the
6 minute entries, but it's really, really important that
7 you check both of those because when I set -- you're
8 good about this, so when I set your next hearing date,
9 it will be in that minute entry, okay?

10 MR. CHASE: All right. And the time on the
11 25th?

12 THE COURT: We don't have a hearing yet.
13 You just have to have your motions filed by then. Once
14 I get all of the responses and the replies, then I'll be
15 setting a hearing, and you need to have that date, okay.

16 Mr. Best -- I know you don't have any
17 contact with Mr. Best. Mr. Best will receive those same
18 documents. So if you have any confusion about your next
19 court date, you can always call Mr. Best, if you choose.
20 You don't have to. You can always call Mr. Best and he
21 can give you that date.

22 MR. CHASE: Again, I'm objecting to
23 accepting a benefit of the state, Your Honor.

24 THE COURT: I get it. But I want to tell
25 you if I set that court date and you fail to appear, a

1 warrant could issue for your arrest. You'd have a
2 hearing to determine if you should remain out of
3 custody. The state could file new charges for failing
4 to appear. The case could proceed in your absence. So
5 you just need to make sure you're really thoughtful
6 about looking for those minute entries which you are
7 very, very conscientious.

8 MR. CHASE: I'll be making a special
9 appearance like I did today, a general appearance.

10 THE COURT: All right. I think that covers
11 all of our bases. We are adjourned in this matter. I
12 will see everyone at our next hearing. The exhibits
13 that were submitted for today's hearing I am going to
14 return those back to you. Mr. Chase, if you need those
15 in future hearings, you can always bring those back.

16 MR. CHASE: Are you talking about my
17 administrative --

18 THE COURT: Yeah. I think there are two
19 exhibits.

20 MR. CHASE: Are you talking about my
21 declared witness testimony?

22 THE COURT: Say that to me again.

23 MR. CHASE: Are you talking about my
24 declared witness testimony?

25 THE COURT: Yes, because I am not taking any

1 testimony today, but if we need it in the future, you're
2 certainly able to return those back to us when -- at
3 your future hearings.

4 MR. CHASE: All your rulings, though, since
5 this started to ~~now~~, they still stand, Your Honor?

6 THE COURT: Yes.

7 MR. CHASE: And you did not read this?

8 THE COURT: That's related to the Rule 11
9 reports.

10 MR. CHASE: This is stamped in as declared
11 witness testimony that is on record.

12 THE COURT: That has to do with Dr. Hupp?

13 MR. CHASE: Yeah. You did not read this
14 and --

15 THE COURT: I did not. I did not even know
16 they had been provided to me, but as I say, he found you
17 competent, so it doesn't -- it doesn't make much
18 difference.

19 MR. CHASE: These are -- were stamped in on
20 August the 22nd.

21 THE COURT: I didn't get them in my file.

22 MR. CHASE: Mr. Asay, you got this?

23 MR. ASAY: I did. I believe I got
24 everything.

25 MR. CHASE: Did you read these? Did you

1 read these transcripts?

2 MR. ASAY: Yeah.

3 THE COURT: We have a court reporter taking
4 all this down. I am going to adjourn for today. Mr.
5 Chase, if you think those are relevant to some of the
6 motions you file later, you can always resubmit those.

7 MR. CHASE: I'm just concerned, Your Honor,
8 because every motion that I do file and brief, you've
9 denied them and not having read them. So I am concerned
10 as equal protection, Your Honor, due process of the law.

11 THE COURT: I understand all that stuff, and
12 I'm with you.

13 MR. CHASE: I know you understand.

14 THE COURT: This is what you can re-file
15 with me and I will take it up when you re-file.

16 MR. CHASE: Okay.

17 THE COURT: Perfect. All right. I will see
18 everybody -- I don't know the exact date, but I'll get
19 that to you. As soon as I get it to you, you will know
20 when you're coming in, arguing and you can bring all
21 materials that you think I need to review.

22 MR. CHASE: October 25th to get my briefs
23 and motions in?

24 THE COURT: Yes, exactly, but then remember
25 Mr. Asay gets to respond and then you get to reply.

1 MR. CHASE: Yeah.

2 THE COURT: Okay. Great. We are adjourned.
3 I will see everybody at our next hearing. Thank you.

4 (Whereupon, the proceedings in the
5 above-entitled matter were concluded.)
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, LAURA A. ASHBROOK, do hereby certify
that the foregoing pages constitute a full, accurate
transcribed record of my stenographic notes taken at the
aforementioned time and place, all done to the best of
my skill and ability.

Dated this 4th day of October, 2021

s/s

LAURA A. ASHBROOK
Certified Court Reporter
Certificate #50360